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<td>120</td>
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<td></td>
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<td>125</td>
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<tr>
<td>16.</td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
<td>132</td>
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<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td>132</td>
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<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
<td>132</td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
<td>132</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
<td>132</td>
</tr>
</tbody>
</table>
## City of Rockingham
### Planning and Engineering Services Committee
#### Meeting Minutes
##### Monday 18 June 2018 - Council Boardroom

1. **Declaration of Opening**

   The Chairperson declared the Planning and Engineering Services Committee Meeting open at 4pm, welcomed all present, and delivered the Acknowledgement of Country.

2. **Record of Attendance/Apologies/Approved Leave of Absence**

   2.1 **Councillors**
   
<table>
<thead>
<tr>
<th>Councillor</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Chris Elliott</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Cr Matthew Whitfield</td>
<td></td>
</tr>
<tr>
<td>Cr Barry Sammels (Mayor)</td>
<td></td>
</tr>
<tr>
<td>Cr Deb Hamblin (Deputy Mayor)</td>
<td></td>
</tr>
<tr>
<td>Cr Katherine Summers</td>
<td></td>
</tr>
<tr>
<td>Cr Joy Stewart</td>
<td>Observer</td>
</tr>
<tr>
<td>Cr Mark Jones</td>
<td>Observer</td>
</tr>
<tr>
<td>Cr Andrew Burns</td>
<td>Observer</td>
</tr>
</tbody>
</table>

   2.2 **Executive**
   
<table>
<thead>
<tr>
<th>Executive</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Bob Jeans</td>
<td>A/Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr Peter Doherty</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Sam Assaad</td>
<td>Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Ms Erica Scott</td>
<td>A/Manager Health and Building Services</td>
</tr>
<tr>
<td>Mr David Caporn</td>
<td>Manager Compliance and Emergency Liaison</td>
</tr>
<tr>
<td>Mr Ian Daniels</td>
<td>Manager Infrastructure Project Delivery</td>
</tr>
<tr>
<td>Mr Manoj Barua</td>
<td>Manager Engineering Services</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
<td>Manager Asset Services</td>
</tr>
<tr>
<td>Mr James Henson</td>
<td>Manager Land and Development Infrastructure</td>
</tr>
<tr>
<td>Mr Adam Johnston</td>
<td>Manager Parks Services</td>
</tr>
<tr>
<td>Mr Aiden Boyham</td>
<td>City Media Officer</td>
</tr>
<tr>
<td>Mrs Andrea Holman</td>
<td>EA to Director Engineering and Parks Services</td>
</tr>
</tbody>
</table>

2.3 **Members of the Gallery:**

   2

2.4 **Apologies:**

   Nil

2.5 **Approved Leave of Absence:**

   Nil
### Responses to Previous Public Questions Taken on Notice

#### 3.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - PD-022/18 - Notice of Motion - Cape Peron

At the Planning and Engineering Services Committee meeting held on 14 May 2018 Mr Mumme asked the following questions that were taken on notice and the Acting Director Planning and Development Services provided a response in a letter dated 15 May 2018 as follows:

**Question**

1. The Community aspires to see "coastal and bushland reserves are well used and sustainably managed preserving them for future generations to enjoy". How many future generations does this Committee or the Officers consider this aspiration to refer to - two, ten, a hundred or indefinitely?

**Response**

*The City does not have a view on how many generations to which the subject ‘Strategic Objective’ refers.*

**Question**

2. How long does the Committee consider "sustainably managed" means - ten years, 25, 100, or indefinitely?

**Response**

*The City does not have a view on the length of time associated with the term ‘sustainably managed’. *

**Question**

3. The Macquarie Dictionary defines perpetuity as "endless or indefinitely long duration or existence." Does the City have any objection to proposing Cape Peron to be a Reserve indefinitely?

**Response**

*No, providing this outcome is reached by the State Government following a transparent and collaborative process.*

**Question**

4. The Officer's Report says "The decision on the MRS Amendment substantially alters the planning settings for Cape Peron and creates uncertainty about its future use and management." But the Environment Minister says DBCA *will continue to manage Cape Peron as part of the Rockingham Lakes Regional Park... I am supportive of the Cape Peron Reserve being converted to Class A... Conservation Park is an appropriate purpose to enable proper management of tourism and facilities while protecting the natural and cultural values of this special area."

Given the Minister's stance, does Council believe the Officers' opinion that the decision on the MRS Amendment decision "alters the planning settings and creates uncertainty about its future use and management? If so in what way does it create uncertainty?

**Response**

*The planning settings have changed as the existing Rockingham Lakes Regional Park Management Plan 2010, being the only document that governs the use and management of Cape Peron outside of the MRS and Town Planning Scheme, shows the project area for the Mangles Bay Marina as 'subject to further planning'.*
## Question

5. The Officers say with respect to conserving Cape Peron in perpetuity for the community, "the City notes the intent but recognises that it could undermine the State Government process which the Notice of Motion is advocating." Given what the Minister for Environment has written, in what way could the perpetuity part of the Motion undermine the State Government process? Councillors have long argued that Government do what they will regardless of Council.

### Response

The Officer Report suggested that there is little point in advocating a transparent and collaborative consultation process to determine long-term future use if the end result is pre-determined (ie. ‘conserve Cape Peron in perpetuity’).

## 4. Public Question Time

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.01pm</td>
<td>The Chairperson invited members of the Public Gallery to ask questions.</td>
</tr>
<tr>
<td>4.04pm</td>
<td>There being no further questions the Chairperson closed Public Question Time.</td>
</tr>
</tbody>
</table>

### 4.01pm

Mr Peter Green, 25 Nabberu Loop, Cooloongup – PD-030/18 – Notice of Motion – Cape Peron

The Chairperson invited Mr Green to present his questions to the Planning and Engineering Services Committee. Mr Green asked the following questions:

1. Does the City have any concerns regarding the Reserve Purpose or Vesting Authority within the Rockingham Lakes Regional Parks Management Plan 2010, if so, what are they?

2. May 2018 Council Minutes state “Further, the limitations on future use by nominating a Purpose of ‘Conservation Park’ and the implications it places over existing uses such as the Camps School, RSL facility, existing leasehold accommodation and other non-conservation uses, is unclear and requires investigation. The following clarifies the situation, from DBCA Planning Officer at Regional Parks Unit, I note the City has queried whether a change of purpose to ‘Conservation Park’ would place any limitations over existing uses such as Camp School, RSL facility and other leasehold accommodation and I can clarify that it would not. There would be no change to the current lease arrangements should A Class proceed. Will the Planning Committee take into consideration this information when debating the Notice of Motion?"

The Chairperson advised that this is an item contained in tonight’s Committee agenda and will be considered later in the meeting.

### 4.04pm

There being no further questions the Chairperson closed Public Question Time.

## 5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Hamblin:

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 14 May 2018, as a true and accurate record.

Committee Voting – 5/0

## 6. Matters Arising from the Previous Minutes

Nil
7. **Announcement by the Presiding Person without Discussion**

4.05 pm  The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. **Declarations of Members and Officers Interests**

4.06 pm  The Chairperson asked if there were any interests to declare. There were none.

9. **Petitions/Deputations/Presentations/Submissions**

Nil

10. **Matters for which the Meeting may be Closed**

Nil

11. **Bulletin Items**

<table>
<thead>
<tr>
<th>Planning and Development Services Information Bulletin – June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health Services</strong></td>
</tr>
<tr>
<td>1. Health Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>3.1 FoodSafe</td>
</tr>
<tr>
<td>3.2 Industrial and Commercial Waste Monitoring</td>
</tr>
<tr>
<td>3.3 Mosquito Control Program</td>
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<tr>
<td>3.4 Environmental Waters Sampling</td>
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<tr>
<td>3.5 Food Sampling</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Mosquito-Borne Disease Notifications</td>
</tr>
<tr>
<td>4.2 Food Recalls</td>
</tr>
<tr>
<td>4.3 Food Premises Inspections</td>
</tr>
<tr>
<td>4.4 Public Building Inspections</td>
</tr>
<tr>
<td>4.5 Outdoor Public Event Approvals</td>
</tr>
<tr>
<td>4.6 Permit Approvals</td>
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<tr>
<td>4.7 After Hours Noise and Smoke Nuisance Complaint Service</td>
</tr>
<tr>
<td>4.8 Complaint - Information</td>
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<tr>
<td>4.9 Noise Complaints - Detailed Information</td>
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<tr>
<td>4.10 Animal Exemptions</td>
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<td>4.11 Building Plan Assessments</td>
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<tr>
<td>4.12 Septic Tank Applications</td>
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<td>4.13 Demolitions</td>
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<td>4.14 Swimming Pool and Drinking Water Samples</td>
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<tr>
<td>4.15 Rabbit Processing</td>
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<tr>
<td>4.16 Hairdressing and Skin Penetration Premises</td>
</tr>
<tr>
<td>4.17 Caravan Park and Camping Ground Inspections</td>
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<tr>
<td><strong>Building Services</strong></td>
</tr>
<tr>
<td>1. Building Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource update</td>
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<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Monthly Building Permit Approvals - (All Building Types)</td>
</tr>
</tbody>
</table>
4.2 Other Permits
4.3 Monthly Caravan Park Site Approvals

**Compliance and Emergency Liaison**

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Dog Beach Survey
   4.2 Ranger Services Action Reports
   4.3 Emergency Management and Fire Prevention
   4.4 Restricted Burning
   4.5 Suspension of Permits to Burn / Risk Management
   4.6 CRMs
   4.7 Singleton Volunteer Bush Fire Brigade – Community Engagement
   4.8 Accredited Training
   4.9 Joint Local Government - Recovery Exercise
   4.10 SmartWatch Key Result Area: Visibility
   4.11 SmartWatch Key Result Area: Engagement with Community
   4.12 Key Result Area: Increasing Perception of Safety
   4.13 Notable Statistics

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Waterwise Council Program (EVM/56-02)
   3.3 Wetland Management Plan
   3.4 Lake Richmond Management Plan Review
   3.5 Coastal Hazard Risk Management and Adaptation Plan
4. Information Items
   4.1 Notification of Approval of Structure Plans by the Western Australian Planning Commission
   4.2 Update on the Strategic Assessment of the Perth and Peel Regions
   4.3 Planning Reform Green Paper

**Land and Development Infrastructure**

1. Land and Development Infrastructure Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Managed Aquifer Recharge - Feasibility Study
4. Information Items
   4.1 Structure Plan Approval Referrals
   4.2 Subdivision Approval Referrals
   4.3 Urban Water Management Referrals
   4.4 Traffic Report Referrals
   4.5 Delegated Land and Development Infrastructure Assets Approvals
   4.6 Subdivision Clearance Requests
   4.7 Handover of Subdivisional Roads
   4.8 Development Application Referrals
   4.9 Delegated Subdivision Engineering and Public Open Space Practical Completions
   4.10 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER

**Statutory Planning**
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused

**Planning and Development Directorate**
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Proposed Amendment No's 161 and 162 to Town Planning Scheme No.2
   3.3 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Improvements to City Square and Civic Plaza (LUP/1933)
   3.6 Design Review Panel (LUP/2094)
   3.7 Safety Bay/Shoalwater Foreshore Revitalisation Master Plan
4. Information Items
   4.1 Westport Port and Environs Strategy

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:
That Councillors acknowledge having read the Planning Services Information Bulletin – June 2018 and the content be accepted.

Committee Voting – 5/0

**Engineering and Parks Services Information Bulletin – June 2018**

**Engineering and Parks Services Directorate**
1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Information Items
   3.1 Project Status Reports
4. Information Items
   4.1 Bushfire Risk
### Asset Services
1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Facilities and Reserve Accessibility Audits
   3.2 Footpath Condition Audit
   3.3 Facility Security Plan
4. Information Items
   4.1 Asset Maintenance Team
   4.2 Asset Maintenance – Buildings
   4.3 Asset Maintenance – Reserves

### Infrastructure Project Delivery
1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Beach Foreshore Masterplan – Stage One Construction
4. Information Items
   4.1 Buildings and Facilities Construction Program
   4.2 Lighting Construction Program
   4.3 Park Infrastructure and Construction Program

### Parks Services
1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Public Open Space Handovers
   4.2 2017/2018 Parks Services Projects Summary
   4.3 2017/2018 Parks Services Project Information
   4.4 Parks Maintenance Program 2017/2018

### Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Future Traffic Modelling
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure
   4.2 Delegated Authority for approval of Directional Signage
   4.3 Delegated Authority for approval of Heavy Haulage
   4.4 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.5 Civil Works Program 2017/2018
   4.6 Civil Maintenance Program 2017/2018
   4.7 Road Rehabilitation Program Main Roads Grant 2017/2018
   4.8 Road Resurfacing Program Municipal Works 2017/2018
   4.9 Road Renewal Program Municipal Works 2017/2018
   4.10 Drainage Renewal Program Municipal Works 2017/2018
   4.11 Delegated Authority pursuant to Part 3 of the Graffiti Vandalism Act 2016
   4.12 Litter and Street Sweeping Program 2017/2018
   4.13 Graffiti Program 2017/2018
   4.14 Delegated Authority for the payment of crossover subsidies
   4.15 Third Party works within the City
   4.16 Asset Inspections
Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – June 2018 and the content be accepted.

Committee Voting – 5/0
### 12. Agenda Items

**Planning and Development Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-023/18 Proposed Outdoor Events Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>PBH/661</td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erica Scott, A/Manager Health and Building Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 June 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area:</td>
</tr>
<tr>
<td>LA Zoning:</td>
</tr>
<tr>
<td>MRS Zoning:</td>
</tr>
<tr>
<td>Attachments:</td>
</tr>
<tr>
<td>1. Proposed Outdoor Events Guidelines</td>
</tr>
<tr>
<td>2. Existing Outdoor Events Policy</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
</tr>
</tbody>
</table>

### Purpose of Report

To seek Council support to advertise a revised Outdoor Events Policy and supporting Outdoor Events Guidelines.

### Background

Outdoor Events are principally assessed and approved under the *Health (Public Building) Regulations 1992*, however, there are a number of additional approvals under other legislation that may also be required depending on the nature of the event.

In order to facilitate an easier application and approval process for event organisers, the City has established an Outdoor Events Policy. The Outdoor Events Policy provides guidance on the types of events that require an Outdoor Events Application, and the subsidiary information that is needed to be provided to successfully gain the relevant approvals from the City.
The existing Outdoor Events Policy has been in place for over a decade. The Outdoor Events portfolio has undergone a number of improvements over the last three years. Reviewing the existing Outdoor Events Policy, with the view to simplify the application process for smaller events, is a necessary progression in improving this service and making it easier for organisers to gain the appropriate approvals from the City.

**Details**

The existing Outdoor Events Policy is deficient and outdated in a number of areas. It is proposed to replace it with a new Outdoor Events Policy, rather than amend the current Policy.

The proposed Outdoor Events Policy is attached along with a copy of the current Policy. The Policy will be coupled with new Outdoor Events Guidelines to support the Policy and provide detailed information to applicants.

The proposed Policy classifies outdoor events into three categories, reflecting the style of the event, patron numbers and community impact:

<table>
<thead>
<tr>
<th>Event Impact Category</th>
<th>Impact Criteria</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Impact Event</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Held between 7am and 6pm</td>
<td>o Small charity events</td>
</tr>
<tr>
<td></td>
<td>• Less than 100 attendees at any time</td>
<td>o Small beach-based events</td>
</tr>
<tr>
<td></td>
<td>• No food sales</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• No amplified noise</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• No marquees over 3x3m</td>
<td></td>
</tr>
<tr>
<td>Medium Impact Event</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Held between 6am and 9pm</td>
<td>o Community fetes</td>
</tr>
<tr>
<td></td>
<td>• Between 100 and 1,000 attendees at any time</td>
<td>o Religious celebrations</td>
</tr>
<tr>
<td></td>
<td>• Involves food sales</td>
<td>o Community markets</td>
</tr>
<tr>
<td></td>
<td>• Low level amplified noise</td>
<td></td>
</tr>
<tr>
<td>High Impact Event</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Finishes after 9pm</td>
<td>o Community festivals</td>
</tr>
<tr>
<td></td>
<td>• More than 1,000 attendees at any time</td>
<td>o Music festivals</td>
</tr>
<tr>
<td></td>
<td>• Involves food sales</td>
<td>o Sporting events</td>
</tr>
<tr>
<td></td>
<td>• Involves amplified noise</td>
<td>o Carnivals</td>
</tr>
<tr>
<td></td>
<td>• Includes fencing</td>
<td>o Road race triathlons</td>
</tr>
<tr>
<td></td>
<td>• Requires road closures or impacts on the normal use of the roads</td>
<td>o New Year’s Eve</td>
</tr>
<tr>
<td></td>
<td>• Involves fireworks / pyrotechnics</td>
<td>o Rockingham Beach Cup</td>
</tr>
</tbody>
</table>

By creating a three tier system, smaller scale events can be processed via a simplified application form, removing some of the unnecessary sections. Discretion can still be applied to reclassify events.

The proposed Policy will provide more flexibility to applicants in meeting the minimum lodgement dates, as applications can be processed according to the impact rating:

<table>
<thead>
<tr>
<th>Existing policy</th>
<th>Minimum lodgement days</th>
<th>Proposed policy</th>
<th>Minimum lodgement days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Event</td>
<td>60 days</td>
<td>Low Impact</td>
<td>10 days</td>
</tr>
<tr>
<td>Major Event</td>
<td>60 days</td>
<td>Medium Impact</td>
<td>30 days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High Impact</td>
<td>60 days</td>
</tr>
</tbody>
</table>
Implications to Consider

a. **Consultation with the Community**
   The proposed Outdoor Events Policy and supporting Outdoor Events Guidelines will be advertised for comment following Council's approval. The consultation will include existing event organisers.

b. **Consultation with Government Agencies**
   Nil

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration B:** A Strong Community  
   **Strategic Objective:** Capacity Building and Wellbeing – A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community sporting, cultural and artistic organisations and pursuits.

d. **Policy**
   The City of Rockingham Policy Framework guides the process required for adopting or amending a Council Policy.

e. **Financial**
   The advertising of the Policy will incur a cost of approximately $300 for a Public Notice in a local newspaper.

f. **Legal and Statutory**
   Nil

g. **Risk**
   All Council decisions are subject to risk assessment according to the City's Risk Framework. Implications and comment will only be provided for the following assessed risks.
   
   - *Customer Service / Project management / Environment: High and Extreme Risks*
   - *Finance / Personal Health and Safety: Medium, High and Extreme Risks*
   
   Nil

Comments

The proposed changes to the event risk classification should make it easier for smaller event organisers to gain approval. For events that fall into a medium risk category, the process should still be easier for applicants. The time for event applications to be submitted to the City has been reduced, and the associated application forms will be simplified.

The draft Outdoor Events Policy has excluded events that are not open to the public, as they fall outside of the provisions of the *Health (Public Building) Regulations 1992*.

The draft Outdoor Events Policy has also excluded events that are run by sporting clubs at sporting grounds given that the overall facility is assessed for compliance for normal sporting fixtures, and events such as club registration days are not outside this scope.

The draft Outdoor Events Policy will apply for other event organisers using sporting club facilities as this is outside of the normal sporting use of the facility. The Outdoor Events Policy will also apply to other community groups where they want to hold events outside of their premises, such as churches and the like, as the City only assesses the indoor facility.

The new draft Outdoor Event Guidelines have been included to assist in applying the Policy.

The City intends to advertise the proposed Policy and Guidelines following Council’s decision, and then report back to Council for the Policy to be adopted on completion of the advertising period.

City Officers will then work with known event organisers to implement the new Policy.
Voting Requirements
Simple Majority

Officer Recommendation
That Council SUPPORTS the draft Outdoor Events Policy, along with the supporting draft Outdoor Events Guidelines, for the purposes of public advertising.

Committee Recommendation
Moved Cr Whitfield, seconded Cr Hamblin:
That Council SUPPORTS the draft Outdoor Events Policy, along with the supporting draft Outdoor Events Guidelines, for the purposes of public advertising, as follows:

OUTDOOR EVENTS POLICY

Council Policy Objective
Council recognises the need to support the contribution that outdoor events make to the City's cultural landscape and economy, whilst minimising the potential impact of temporary events to the community. This Policy aims to deliver the following objectives:

• Provide for a range of events that meet the community’s aspirations;
• Provide controls that minimise adverse impacts of events on the community and environment;
• Manage the health and safety of people attending the event; and
• Manage compliance with relevant legislative requirements and standards.

Council Policy Scope
This Policy applies to all outdoor events held in the City of Rockingham including those on private land.

This Policy does not apply to:

• Private events not open to members of the public, such as private parties, weddings, funerals and the like
• Seasonal use of sports fields by schools and registered sporting clubs for club related activities

Council Policy Statement
This Policy provides a three tiered classification system for outdoor events in the City of Rockingham, based on the impact of the event. The classification of the event will determine the information required to be submitted to the City, to enable the assessment and approval of the event.

Event Purpose
Outdoor event applications are required to demonstrate how the event will provide a welcoming and safe environment that meets one or more of the following outcomes:

• delivers either recreational, social, cultural, education or information opportunities for residents and visitors to participate
• supports and contributes to the well-being of residents and visitors
• supports and includes people from all sections of the community
• supports and respects the unique identity of Rockingham and its culture
• recognises occasions of historical, social or cultural significance
• contributes to the local economy, businesses and tourism

Limitations and Restrictions
The City will not approve events:
• which promote tobacco or gambling;
• with alcohol promotion being the main purpose;
• which are discriminatory in nature;
• which involve endangered animals, or cruelty to animals;
• which prevents the public space from being used for its dedicated purpose; or
• which threaten ecologically sensitive areas.

The City may cancel or modify events at any stage as a result of, but not limited to:
• Extreme weather
• Identified high risks
• Site safety or conditions

Approval Process
Approval is required for all outdoor events held in the City of Rockingham including those on private land. Assessment of an event application will be based on the following criteria:
• Suitability and purpose of the event activity;
• Suitability and experience of the event organiser;
• Suitability and availability of the event location and duration;
• Impact of the event on location and surrounds.

Event Impact Criteria
To determine the level and number of management and compliance conditions to be applied, events will be categorised as either a low, medium or high impact based on the activity proposed.

<table>
<thead>
<tr>
<th>Event Impact Category</th>
<th>Impact Criteria</th>
<th>Lodgement Due</th>
</tr>
</thead>
</table>
| Low Impact Event      | • Held between 7am and 6pm  
• Less than 100 attendees                                                      | Due 10 days prior to the event. |
|                       |                                                                                |                          |
| Medium Impact Event   | • Held between 6am and 9pm  
• Between 100 and 1,000 attendees  
• Involves food sales  
• Low level amplified noise                                                      | Due 30 days prior to the event. |
| High Impact Event     | • Finishes after 9pm  
• More than 1,000 attendees  
• Involves food sales  
• Involves amplified noise  
• Includes fencing  
• Requires road closures or impacts on the normal use of the roads  
• Involves fireworks / pyrotechnics                                              | Due 60 days prior to the event. |
The Director of Planning and Development Services has discretion to classify events that do not meet the above criteria.

Applications received after the Application Lodgement time before the event is scheduled, as listed above, may be rejected.

**Outdoor Event Guidelines**

Outdoor event organisers are required to comply with all legal and City requirements as detailed in the Outdoor Event Guidelines (as attached). The Outdoor Event Guidelines will be updated periodically to reflect any legislative and/or City operational changes affecting the delivery of safe, accessible and sustainable events in Rockingham.

**Outdoor Event Approval and Conditions**

Approved Outdoor Events will be issued with a Maximum Accommodation Certificate under the *Health (Public Buildings) Regulations 1992*.

**Outdoor Events that do not receive all relevant approvals cannot proceed.**

It is the responsibility of the Event Organiser to ensure all relevant approvals have been obtained from the City and other approving agencies.

**Council Adoption**

(date to be included once adopted)

**Definitions**

*Outdoor Event:* means an organised one-off temporary occurrence within the City of Rockingham on public or private land, where members of the public assemble outside at a given time and location, for a set purpose, either for free or for the payment of a fee.

**Legislation**

*Health (Miscellaneous Provisions) Act 1911*

*Public Health Act 2016*

*Health (Public Buildings) Regulations 1992*

*Activities in Thoroughfares and Public Places and Trading Local Law 2001*

*Local Government Property Local Law 2001*

**Other Relevant Policies/ Key Documents**

Outdoor Event Guidelines

**Responsible Division**

Health Services

**Review Date**

Review every two years

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Committee Voting – 5/0

**The Committee’s Reason for Varying the Officer’s Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
### Purpose of Report

To consider amending *Planning Policy No.3.3.21 – Heritage Conservation and Development* (PP3.3.21) to reflect changes in terminology, legislation, the Management Categories and the City’s Heritage List.

### Background

In March 2008, PP3.3.21 was adopted by Council and was last reviewed in 2012.

PP3.3.21 outlines the City’s requirements in regard to places of cultural heritage significance within the City of Rockingham. Appendix 1 to the Policy includes the City’s Heritage List, which comprises all local sites of cultural heritage significance excluding ‘Management Category E’ places which signify buildings or structures which are no longer extant.

The City’s Municipal Heritage Inventory (MHI) and Heritage List was revised by Council in April 2018. The changes include modified Management Category definitions, 17 new places in the MHI and changes to the Management Categories of existing places.
The following amendments to PP3.3.21 are proposed:

1. **Terminology**

   Change the term 'Planning Approval' to 'Development Approval' to correctly reference the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and include reference to the Regulations within the Policy.

2. **Management Categories**

   As mentioned earlier, in April 2018, Council adopted the revised MHI, following public advertising. The revised MHI included the following revised Management Categories, as below. Management Category A+ was deleted and merged with Category A to reduce duplication.

<table>
<thead>
<tr>
<th>Management Category</th>
<th>Level of Significance</th>
<th>Description</th>
<th>Required Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Exceptional significance</td>
<td>Essential to the heritage of the locality. Rare or outstanding example. Recommended for inclusion on the State Register of Heritage Places.</td>
<td>The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).</td>
</tr>
<tr>
<td>B</td>
<td>Considerable significance</td>
<td>Very important to the heritage of the locality. High degree of integrity/authenticity.</td>
<td>Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.</td>
</tr>
<tr>
<td>C</td>
<td>Some / Moderate Significance</td>
<td>Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.</td>
<td>Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.</td>
</tr>
<tr>
<td>D</td>
<td>Little significance</td>
<td>Significant but not essential to the understanding of the district.</td>
<td>Photographically record prior to major development or demolition. Recognise and interpret the site if possible.</td>
</tr>
<tr>
<td>E</td>
<td>Historic Site</td>
<td>Historic site. Recognise - for example, with a plaque, place name, or acknowledge in new urban or architectural design.</td>
<td>Recognise and interpret the site if possible.</td>
</tr>
</tbody>
</table>

The amended PP3.3.21 seeks to include the amended Management Categories with a supplementary description in the 'Required Outcomes' to clarify when a Conservation Management Plan or a Heritage Impact Statement is required.

3. **Heritage List**

   Revisions to the MHI and Heritage List were adopted by Council in April 2018. The changes include 17 additional places in the MHI, changes to the Management Categories of existing places, changes to place numbering and removal of Category E places from the Heritage List. PP3.3.21 is proposed to be modified to ensure consistency with the revised MHI and Heritage List.
Implications to Consider

a. Consultation with the Community

Under clause 5(2) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), if the local government resolves to amend a Planning Policy, the local government may amend a local planning policy without advertising the amendment if, in the opinion of local government, the amendment is a minor amendment.

The proposed modifications to PP3.3.21 are predominantly administrative to ensure consistency with current legislative terminology and the Heritage List. On this basis, the amendments are considered minor.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

**Aspiration C:** Quality Leadership

**Strategic Objective:** Community Engagement and Advocacy - An engaged and informed community that participates in local decision making and can rely upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.

**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

Planning Policy 3.3.21 - Heritage Conservation and Development (PP3.3.21)

The City’s PP3.3.21 needs to be revised following adoption of the revised MHI and Heritage List to include revised Management Categories in the MHI and updated Heritage List.

e. Financial

Nil

f. Legal and Statutory

City of Rockingham Town Planning Scheme No.2 (TPS2)

Under clause 2 of the deemed provisions (Local Planning Policies) in TPS2, the local government may prepare, modify or revoke a Planning Policy.

PP3.3.21 is not part of TPS2, excluding the Heritage List, and does not bind the local government in respect of any application for Development Approval, but local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

**Customer Service / Project management / Environment:** High and Extreme Risks

**Finance / Personal Health and Safety:** Medium, High and Extreme Risks

Nil
Comments

The major changes proposed to PP3.3.21 are to reflect changes to the Management Categories and the revised Heritage List.

The balance of the amendments to PP3.3.21 are administrative in nature, to ensure consistency with legislative terminology.

It is recommended the Council adopts revised PP3.3.21 Heritage Conservation and Development.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the revised Planning Policy No.3.3.21 - Heritage Conservation and Development (amendments marked in red).

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council ADOPTS the revised Planning Policy No.3.3.21 - Heritage Conservation and Development (amendments marked in red):

PLANNING POLICY 3.3.21
HERITAGE CONSERVATION AND DEVELOPMENT

1. Introduction

The City of Rockingham contains a significant collection of heritage places as identified in its Municipal Heritage Inventory. Heritage places are identified as places having cultural heritage significance to the local community.

Places considered worthy of protection are identified on the Heritage List established under Town Planning Scheme No.2. A copy of the Heritage List is attached as Appendix 1.

This Policy:
- Applies the development control principles contained in the State Planning Policy 3.5 - Historic Heritage Conservation;
- Provides development and design guidance for development of places in the Heritage List established pursuant to the City of Rockingham Town Planning Scheme No.2; and
- Details procedures for making applications for approval of heritage-related development.

2. Policy Application

This Policy applies to all places entered in the Heritage List pursuant to Town Planning Scheme No.2.

Aboriginal heritage is protected by the Aboriginal Heritage Act 1972. This Policy does not apply to the conservation of aboriginal heritage, except in cases where aboriginal heritage places are entered into the Heritage List or a designated Heritage Area.

3. Policy Objectives

The objectives of the policy are:

(i) To conserve and protect places of cultural heritage significance within the City of Rockingham;

(ii) To ensure that development does not adversely affect the significance of heritage places;

(iii) To ensure that heritage significance is given due weight in decision making for applications for planning approval; and

(iv) To provide greater certainty to landowners and the community about the planning processes for heritage identification and protection in the City of Rockingham.
4. Policy Statement

4.1 Relevant Considerations for Development Assessment

In considering any planning applications in relation to a place entered in the Heritage List, the City will apply and have regard to:

(i) The conservation and protection of any place or area that has been registered in the State Register of Heritage Places under the Heritage of Western Australia Act 1990, or is the subject of a Conservation Order under the Act;

(ii) The conservation and protection of any place which is included in the Heritage List under clause 5.4.2 Clause 8 of the deemed provisions of the City of Rockingham Town Planning Scheme No.2;

(iii) Whether the proposed development will adversely affect the significance of any heritage place, including adverse effect resulting from the location, bulk, form or appearance of the proposed development;

(iv) The level of heritage significance of the place, based on a relevant heritage assessment;

(v) Measures proposed to conserve the heritage significance of the place and its setting;

(vi) The structural condition of a place, and whether a place is reasonably capable of conservation;

(vii) Whether the place is capable of adaptation to a new use which will enable its retention and conservation; and

(viii) State Planning Policy 3.5 - Historic Heritage Conservation.

4.2 Development Control Principles

The following ‘development control principles’ must be applied in considering applications for planning approval in relation to a place entered in the Heritage List under the City of Rockingham Town Planning Scheme No.2. The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.

Alterations, extensions or change of use affecting a heritage place

(i) Development should conserve and protect the cultural heritage significance of a heritage place based on respect for the existing building or structure, and the least possible change to the significant fabric.

(ii) Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to work with the original fabric rather than simply copying or mimicking it.

(iii) In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use should be supported in such cases.

(iv) Development should be in accordance with any Planning Policies relating to heritage.

(v) Where a Conservation Plan has been prepared for a place, development must be in accordance with the conservation policies under the Conservation Plan.

Demolition of a heritage place (including a place within a heritage area)

(i) Demolition of a heritage place with exceptional or considerable significance is rarely appropriate and should require the strongest justification. Demolition of a heritage place with moderate or low significance should be avoided wherever possible, although there may be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification.

(ii) Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; and the extent to which the community would benefit from the proposed redevelopment.

Any person or organisation who is considering or proposing to develop or alter a heritage place should seek advice from a qualified heritage architect or heritage consultant prior to progressing any application.
## 4.3 Levels of Significance

The level of heritage significance of a place is one of the matters considered in determining an application.

A level of significance, based on the Management Categories of the Municipal Heritage Inventory, has been applied to each place on the Heritage List. The requirements for each Management Category is included in the following table.

<table>
<thead>
<tr>
<th>Management Category</th>
<th>Level of Significance</th>
<th>Description</th>
<th>Required outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>State significance</td>
<td>Already recognised at the highest level – the State Register of Heritage Places.</td>
<td>The place should be retained and conserved unless in the Heritage Council’s opinion there is no feasible and prudent alternative to doing otherwise. Development requires consultation with both the Heritage Council and the City of Rockingham. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).</td>
</tr>
<tr>
<td>A</td>
<td>Exceptional significance</td>
<td>Worthy of the highest level of protection – recommended for entry into the State Register of Heritage Places. Essential to the heritage of the locality. Rare or outstanding example. Recommended for inclusion on the State Register of Heritage Places</td>
<td>The place should be retained and conserved unless in Council’s opinion there is no feasible and prudent alternative to doing otherwise. Development requires consultation with the City of Rockingham. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).</td>
</tr>
<tr>
<td>B</td>
<td>Considerable significance</td>
<td>Worthy of a high level of protection. Very important to the heritage of the locality. High degree of integrity/authenticity</td>
<td>Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place. All works are to be supported by a detailed Heritage Impact Statement. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment or demolition.</td>
</tr>
<tr>
<td>C</td>
<td>Some / Moderate significance</td>
<td>Retain and conserve if possible. Contributions to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.</td>
<td>Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible. All works are to be supported by a detailed Heritage Impact Statement. An Archival Record is to be prepared prior to any significant alterations to the place, in accordance with Heritage Council Standards.</td>
</tr>
</tbody>
</table>
4.4  Variation to Site and Development Standards

Clause 5.4.6 Clause 11 of the deemed provisions of Town Planning Scheme No.2 provides the Council with the ability to vary any site or development requirement specified in the Scheme or the Residential Design Codes to facilitate the conservation of a place listed in the Heritage List.

The City Council may consider varying one or more of the following site or development requirements set out in the Scheme and State Planning Policy 3.1 - Residential Design Codes of Western Australia (“R-Codes”) where it involves the conservation of a building on the Heritage List:

(i) In accordance with Clause 5.1.1 of the R-Codes, local government may support Supporting the creation of a lot of a lesser area or approving a minimum site area of a grouped dwelling on a site area lesser than that specified on Table 1 of the Residential Design Codes provided the proposed variation is no more than 25% less in area than that specified on Table 1;

(ii) Approving a variation to open space provision under the Residential Design Codes; and
(iii) Approving variations to plot ratio; provided the proposed variation is no more than 25% than that specified in Table 1 of the Residential Design Codes.

The City Council may consider variations to other development requirements to the Scheme or Residential Design Codes not listed above.

Any proposed variation to site and development standards will only be permitted where the proposed variation is consistent with the general and specific objectives of the Scheme and the objectives of the zone. Furthermore, variations will only be considered where there is a beneficial conservation outcome for the heritage place.

For any variation to site and development requirements, under clause 5.4.6 the R-Codes, the City Council shall give notice to nearby owners and occupiers who, in the opinion of the City Council, are likely to be affected by the proposal, shall be notified of the proposal in writing, and provided with an opportunity to comment on the proposed variations to the site and development requirements.

4.5 Incentives for Heritage Conservation

Not-for-profit clubs, groups and organisations that are providing economic, social, community or environmental services may be eligible for minor grants and sundry donations for heritage and conservation incentives under the City’s Community Grants Program Policy. For further information about applying for a Minor Grant or a Sundry Donation under the Community Grants Program Policy, contact the City’s Community Capacity Building Services.

Other incentives provided by other organisations, such as grants and tax rebates, may apply for proposals to conserve heritage places. These are offered by the Heritage Council of Western Australia, the Federal Department of Sustainability, Environment, Water, Population and Communities, Lotterywest and The National Trust of Australia (WA). Contact the City’s Planning Services and the State Heritage Office for assistance in determining what grants may be available.

4.6 Heritage Agreements

Clause 5.4.4 Clause 10 of the deemed provisions of Town Planning Scheme No.2 allows the Council to enter into a Heritage Agreement with an owner or occupier of land or building, pertaining to a heritage place.

Heritage Agreements will be required where a development proposal seeks to improve a heritage place, particularly where a site or development standard is varied under section 2.5 of this Policy.

Where a caveatable agreement is proposed, it shall be prepared by the City’s Council’s solicitors at no cost to the applicant. The agreement is usually binding to successors in Title.

4.7 Procedure for Adding, Deleting or Amending Entries in the Local Heritage List

The procedures for adding places to the Heritage List are set out in clause 5.4.2 Clause 8 of the deemed provisions of the Town Planning Scheme No.2. The City may consider amending the Heritage List over time in the following circumstances:

<table>
<thead>
<tr>
<th>Event</th>
<th>Council City Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>A place is found to be significant in a new or reviewed Municipal Heritage Inventory</td>
<td>The City will consider inclusion of a place in the Heritage List if the findings of a new or reviewed Municipal Heritage Inventory supports it.</td>
</tr>
<tr>
<td>A place is nominated for inclusion in the Municipal Heritage Inventory by the owner or a member of the public</td>
<td>The City will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator. If not, consideration will be deferred until a review of the Heritage List is scheduled.</td>
</tr>
</tbody>
</table>
| A Heritage Impact Statement is prepared in conjunction with a development proposal | The City may consider inclusion of a place in the Heritage List if a Heritage Impact Statement is prepared:  
  • As part of a Heritage Impact Statement submitted by an applicant, or  
  • By the City at its own expense.  
  Even the most thorough inventory will have some gaps in it, and over time the need will arise to assess non-listed places that appear potentially significant. |
Event | Council City Policy
--- | ---
A place is demolished, or substantially damaged or destroyed | The City will consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is lost.

The City will retain a record of all places destroyed, demolished and/or removed from the Heritage List to monitor the outcomes of this Policy.

5. Application Procedure

Applications for planning approval Development Approval for the development or demolition of places entered on the Heritage List under Town Planning Scheme No.2, shall be made on the form prescribed by the City Council, and shall be signed by the owner(s), and accompanied by the following information:

(a) A written submission describing the nature of the proposal, and which includes confirmation that the requirements of this Planning Policy can be achieved;

(b) A break-up of the cost of the development, itemising a schedule of conservation works;

(c) Such plans and other information that the City may reasonably require to enable the application to be determined. Refer to clauses 5.2.2 and 5.4.8 Clause 63 of the deemed provisions of Town Planning Scheme No.2;

(d) In addition to the above information, the City may require an applicant to provide one or more of the following to assist the City Council in the determination of an application.

Heritage Impact Statement

A Heritage Impact Statement is a brief, independent evaluation by a heritage architect or heritage consultant. It is not to be confused with a Heritage Council Heritage Assessment or a Conservation Plan, which are more extensive and detailed documents.

If a proposal is likely to have a substantial impact on the exterior fabric of a place in the Heritage List, the City may require a Heritage Impact Statement to be submitted addressing three main questions:
- How will the proposed works affect the significance of the place?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

Conservation Plan

If a proposal affects a place that is entered in the State Register of Heritage Places, or a large or complex place of exceptional significance, the City may require a Conservation Plan to be prepared. Such cases will be rare.

A Conservation Plan is a guiding document for the conservation and future use of a place, and is prepared in accordance with the Heritage Council's Conservation Plan Study Brief: Introduction to Conservation Plans.

Structural condition assessment in the case of demolition

If structural failure is cited as a justification for the demolition of a place in the Heritage List, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.

Archival recording in the case of demolition

If a proposal is for the demolition of a place entered in the Heritage List, or entered in the Municipal Heritage Inventory, the Council may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the Heritage Council’s standard for archival recording, and lodged with the City and the Rockingham District Historical Society.
(e) The payment of an Administration Fee as detailed in the City's Council's Planning Information Bulletin No.2.2—Scale of Fees for Planning Services.

6. Authority

This Planning Policy has been adopted by the City Council under clause 8.9 Clause 4 of the deemed provisions of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the City Council in respect of any application for Development Approval planning approval, the City Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:

Conservation means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will:

(a) enable the cultural heritage significance of that place or precinct to be retained; and

(b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct,

and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct having due regard to relevant professional standards and the provision of an appropriate visual setting.

Council means the Council of the City of Rockingham.

Cultural Heritage Significance means the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generation.

Heritage List means a list of those places which, in the opinion of the Council, are of such cultural heritage significance to the Council that conservation and protection under the provisions of this Scheme is warranted.

Place means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable and includes:

(a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;

(b) any works or buildings situated there, their contents relevant to the purpose of this Scheme and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and

(c) as much of the land beneath the place as is required for the purposes of its conservation.

For the purposes of this Planning Policy, the following terms shall have the same meaning as in the Heritage of Western Australia Act 1990:

Conservation Order means an Order made under section 59 of the Heritage of Western Australia Act 1990.

Heritage Council means the Heritage Council of Western Australia established pursuant to section 5 of the Heritage of Western Australia Act 1990.

State Register means the Register of Heritage Places compiled pursuant to section 46 of the Heritage of Western Australia Act 1990.

8. Delegation

Unless otherwise determined by the Manager of Statutory Planning, applications for Development Approval planning approval for development of a place on a Heritage List under the Scheme with a Management Category of "B", "C" or "D" and demolition of a place with a Management Category of "D", which comply in all respects with the objectives and provisions of this Planning Policy will be dealt with under delegated authority, pursuant to clause 8.10 Clause 83 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure 1.1 - Delegated Authority.

All other applications for planning approval for the development or demolition of a place on a Heritage List will be referred to the Council for determination.
9. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 25th March 2008 and modified by Council on the 26th June 2012 xx July 2018.

Appendices

1. Heritage List
<table>
<thead>
<tr>
<th>LGA Place No.</th>
<th>Name</th>
<th>Address</th>
<th>Owner/Manager</th>
<th>Management Category</th>
<th>Council Adoption Date</th>
<th>Reason for Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Baldivis Primary School</td>
<td>Reserve 23952, Lot 1376 (No.342) Baldivis Road, Baldivis</td>
<td>City of Rockingham</td>
<td>A</td>
<td>March 2008</td>
<td>The place has aesthetic, historic and social value, is representative and is rare.</td>
</tr>
<tr>
<td>2</td>
<td>Baldivis Reserve</td>
<td>342 Baldivis Road, Baldivis</td>
<td>City of Rockingham</td>
<td>C</td>
<td>April 2018</td>
<td>The place has historic and social value.</td>
</tr>
<tr>
<td>3</td>
<td>Group Settler's Home</td>
<td>Lot 100 (No.118) Fifty Road, Baldivis</td>
<td>Ms A O Pugh</td>
<td>C</td>
<td>March 2008</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>4</td>
<td>Limestone Quarry</td>
<td>Lot 500 Chesterfield Road, East Rockingham</td>
<td>Landcorp</td>
<td>A</td>
<td>March 2008</td>
<td>The place has historic, social and scientific value.</td>
</tr>
<tr>
<td>5</td>
<td>Chesterfield Inn (fmr) *</td>
<td>Lot 103 Alloy Avenue / Chesterfield Road, East Rockingham</td>
<td>Landcorp</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>6</td>
<td>Chesterfield Dairy (fmr) * Also known as Chesterfield House and Rockingham Arms</td>
<td>Lot 103 Alloy Avenue / Chesterfield Road, East Rockingham</td>
<td>Landcorp</td>
<td>A</td>
<td>May 2008</td>
<td>The place has aesthetic, historic and social value, and is representative.</td>
</tr>
<tr>
<td>7</td>
<td>Day Cottage (ruin) * Also known as Ellendale</td>
<td>Lot 1 (No.27) Day Road, East Rockingham</td>
<td>L J &amp; M E Pike</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic, scientific and social value, and is rare.</td>
</tr>
<tr>
<td>9</td>
<td>East Rockingham Heritage Precinct</td>
<td>Mandurah Road, East Rockingham</td>
<td>Various owners</td>
<td>A</td>
<td>April 2018</td>
<td>Contains numerous places of heritage significance.</td>
</tr>
<tr>
<td>10</td>
<td>East Rockingham Cemetery *</td>
<td>Reserve 841, Lot 3095 (No.231) Mandurah Road, East Rockingham</td>
<td>City of Rockingham</td>
<td>A</td>
<td>March 2008</td>
<td>The place has aesthetic and historic value, and is rare.</td>
</tr>
<tr>
<td>LGA Place No.</td>
<td>Name</td>
<td>Address</td>
<td>Owner/Manager</td>
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</tr>
<tr>
<td>11</td>
<td>Hymus House *</td>
<td>Lot 804 (No.303) Mandurah Road, East Rockingham</td>
<td>Giacci Holdings Pty Ltd</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value, and is representative.</td>
</tr>
<tr>
<td>12</td>
<td>Bell Cottage (ruin) * Also known as Woodbine</td>
<td>Lot 9500 (No.371) Mandurah Road, East Rockingham</td>
<td>Trecap Pty Ltd</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value, and is representative.</td>
</tr>
<tr>
<td>14</td>
<td>Rockingham Cairn</td>
<td>Reserve 22618, Lot 439 Rockingham Beach Road, East Rockingham</td>
<td>City of Rockingham</td>
<td>B</td>
<td>March 2008</td>
<td>The place has social value.</td>
</tr>
<tr>
<td>15</td>
<td>Kwinana Grain Terminal Granary Museum and Jetty</td>
<td>Lots 1304 and 1585 Rockingham Beach Road, East Rockingham</td>
<td>Co-operative Bulk Handling Pty Ltd</td>
<td>B</td>
<td>March 2008</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>17</td>
<td>Z-Force Memorial (1)</td>
<td>Dampier Road, Garden Island</td>
<td>City of Rockingham</td>
<td>B</td>
<td>March 2008</td>
<td>The place has aesthetic and social value.</td>
</tr>
<tr>
<td>18</td>
<td>Garden Island Batteries</td>
<td>Garden Island, Garden Island</td>
<td>City of Rockingham</td>
<td>A</td>
<td>March 2008</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>21</td>
<td>Cliff Point Historic Site Also known as Foundations of Stirlings Hut, Well at Sulphur Bay and Sulphur Town</td>
<td>Sulphur Bay, Garden Island</td>
<td>City of Rockingham</td>
<td>A</td>
<td>May 2008</td>
<td>The place has historic and research value.</td>
</tr>
<tr>
<td>22</td>
<td>Peelhurst (ruins) Also known as Thomas Peel Jnr’s Homestead</td>
<td>Lot 40 (No.178) Dampier Drive, Golden Bay</td>
<td>City of Rockingham</td>
<td>A</td>
<td>March 2008</td>
<td>The place has aesthetic, historic and social value, and is representative.</td>
</tr>
</tbody>
</table>
## Heritage List
(under Clause 8 (1) of the Deemed Provisions in Town Planning Scheme No.2)

<table>
<thead>
<tr>
<th>LGA Place No.</th>
<th>Name</th>
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<th>Reason for Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Abattoir and Stables</td>
<td>Cnr Dixon Road and Darile Street, East Rockingham</td>
<td>City of Rockingham</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic, scientific and social value, is representative and rare.</td>
</tr>
<tr>
<td>24</td>
<td>Paganoni Swamp</td>
<td>Lot 178 &amp; 180 Paganoni Road, Karnup</td>
<td>City of Rockingham</td>
<td>D</td>
<td>April 2018</td>
<td>The place has aesthetic and social value.</td>
</tr>
<tr>
<td>25</td>
<td>Alfred Hines Seaside Homes (fmr)</td>
<td>Lot 1786 (No.1) Hymus Street, Peron</td>
<td>Crippled Children Seaside Home Society Inc</td>
<td>B</td>
<td>May 2008</td>
<td>The place has aesthetic and social value.</td>
</tr>
<tr>
<td>27</td>
<td>Cape Peron Battery Complex</td>
<td>Reserve 48968 Point Peron Road, Peron</td>
<td>Department of Biodiversity, Conservation and Attractions</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>29</td>
<td>Point Peron Recreational Camp</td>
<td>Reserve 48968 Point Peron Road, Peron</td>
<td>Department of Biodiversity, Conservation and Attractions</td>
<td>C</td>
<td>May 2008</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>32</td>
<td>Port Kennedy Scientific Park</td>
<td>Reserve 44077, Lots 138 and 216 Port Kennedy Drive, Port Kennedy</td>
<td>Department of Biodiversity, Conservation and Attractions</td>
<td>C</td>
<td>May 2008</td>
<td>The place has aesthetic and scientific value.</td>
</tr>
<tr>
<td>33</td>
<td>Rockingham Beach Primary School</td>
<td>Reserve 21181, Lot 321 (No.) Bay View Street, Rockingham</td>
<td>Department of Education</td>
<td>B</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value, and is representative.</td>
</tr>
<tr>
<td>34</td>
<td>Rockingham Park Underpass</td>
<td>Centaurus Street, Rockingham</td>
<td>City of Rockingham</td>
<td>C</td>
<td>October 1995</td>
<td>The places have historic and social value.</td>
</tr>
<tr>
<td>35</td>
<td>Rockingham Park Kindergarten (fmr)</td>
<td>Lot 716 Centaurus Street, Rockingham</td>
<td>City of Rockingham</td>
<td>C</td>
<td>October 1995</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>36</td>
<td>Residence</td>
<td>Lot 10 (No.3) Chalwell Street, Rockingham</td>
<td>Roving Enterprises Pty Ltd</td>
<td>C</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>LGA Place No.</td>
<td>Name</td>
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</tr>
<tr>
<td>38</td>
<td>Z-Force Memorial (2)</td>
<td>Reserve 22779, Lot 444 Esplanade, Rockingham</td>
<td>City of Rockingham</td>
<td>B</td>
<td>March 2008</td>
<td>The place has aesthetic and social value.</td>
</tr>
<tr>
<td>39</td>
<td>Illuka</td>
<td>Lot 1 (No.13) Esplanade, Rockingham</td>
<td>Mr D W &amp; E S Treloar</td>
<td>B</td>
<td>October 1995</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>40</td>
<td>Carinya Court</td>
<td>Lot 1 (No.153) Esplanade, Rockingham</td>
<td>Various owners</td>
<td>B</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>42</td>
<td>Rockingham Oval and memorial</td>
<td>Reserve 48927, Lot 500 Flinders Lane, Rockingham</td>
<td>City of Rockingham</td>
<td>C</td>
<td>October 1995</td>
<td>The place has historic and social value.</td>
</tr>
<tr>
<td>44</td>
<td>Uniting Church</td>
<td>Lot 1 (No.11) Florence Street, Rockingham</td>
<td>Mr I G &amp; Ms R L Saggers</td>
<td>B</td>
<td>March 2008</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>45</td>
<td>Rockingham Fire Station (fmr)</td>
<td>Lot 393 (No.4) Hefron Street, Rockingham</td>
<td>City of Rockingham</td>
<td>C</td>
<td>April 2018</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>49</td>
<td>Rockingham Hotel Trees and Walls</td>
<td>Lot 99 (No.26-40) Kent Street, Rockingham</td>
<td>Mirco Bros Pty Ltd</td>
<td>C</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>50</td>
<td>Rockingham Hotel</td>
<td>Lot 99 (No.26-40) Kent Street, Rockingham</td>
<td>Mirco Bros Pty Ltd</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>51</td>
<td>Roads Boards Office (fmr) Also known as Rockingham Districts Historical Society and Rockingham Museum</td>
<td>Lot 53 (No.41) Kent Street, Rockingham</td>
<td>City of Rockingham</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>52</td>
<td>Anglican Church Also known as St Nicholas Church</td>
<td>63-65 Kent Street, Rockingham</td>
<td>Various owners</td>
<td>B</td>
<td>March 2008</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>LGA Place No.</td>
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</tr>
<tr>
<td>56</td>
<td>Lakeside (also known as Lucy Saw Home)</td>
<td>Lot 16 (No.65) Parkin Street, Rockingham</td>
<td>Mr L Thomas &amp; W Howard</td>
<td>B</td>
<td>October 1995</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>54</td>
<td>Lake Richmond</td>
<td>Reserve 9458, Lots 18 and 1596 and Reserve 47145, Lot 8001 Safety Bay Road, Rockingham</td>
<td>City of Rockingham</td>
<td>A</td>
<td>March 2008</td>
<td>The place has aesthetic, social, scientific and historic value.</td>
</tr>
<tr>
<td>60</td>
<td>Sutton Residence (fmr)</td>
<td>Lot 183 (No.30) Rae Road, Rockingham</td>
<td>Mrs L J Forster</td>
<td>B</td>
<td>April 2018</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>62</td>
<td>Founder’s Memorial</td>
<td>Railway Terrace, Rockingham</td>
<td>City of Rockingham</td>
<td>B</td>
<td>October 1995</td>
<td>The place has aesthetic and social value.</td>
</tr>
<tr>
<td>66</td>
<td>Bell and Churchill Parks</td>
<td>Reserve 22568, Lots 148 and 149 Rockingham Beach Road, Rockingham</td>
<td>City of Rockingham</td>
<td>B</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>70</td>
<td>Revered Purdy’s Residence (fmr)</td>
<td>Lot 28 (No.67) Rockingham Beach Road, Rockingham</td>
<td>Mandall Pty Ltd</td>
<td>C</td>
<td>April 2018</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>72</td>
<td>Masonic Hall</td>
<td>Lot 643 corner Emma and Wanliss Streets, Rockingham</td>
<td>Rockingham Masonic Lodge</td>
<td>B</td>
<td>March 2008</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>73</td>
<td>Safety Bay Butchers Shop (fmr)</td>
<td>Lot 1 (No.44) Penguin Road, Shoalwater</td>
<td>Mr G N Burns</td>
<td>B</td>
<td>October 1995</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>74</td>
<td>Residence</td>
<td>Lot 56 (No.72A) Penguin Road, Safety Bay</td>
<td>Mr J Mccracken</td>
<td>C</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>75</td>
<td>Residence</td>
<td>Lot 10 (No.188) Safety Bay Road, Safety Bay</td>
<td>Mr S J Milne</td>
<td>C</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>LGA Place No.</td>
<td>Name</td>
<td>Address</td>
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<td>Management Category</td>
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</tr>
<tr>
<td>76</td>
<td>Sorrento Guest House (fmr)</td>
<td>Lot 157 (No.211) Safety Bay Road, Safety Bay</td>
<td>J I May</td>
<td>B</td>
<td>April 2018</td>
<td>The place has aesthetic, historic, social and rarity value.</td>
</tr>
<tr>
<td>77</td>
<td>Residence</td>
<td>Lot 3 (No.218) Safety Bay Road, Safety Bay</td>
<td>Mr G T &amp; Mrs D L Clark</td>
<td>D</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>78</td>
<td>A.J.H Watts Land Sales Office (fmr) Also known as Glenway Realty</td>
<td>Lot 123 (No.229) Safety Bay Road, Safety Bay</td>
<td>Mr R B Mason</td>
<td>B</td>
<td>March 2008</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>80</td>
<td>Residence</td>
<td>Lot 10 (No.250) Safety Bay Road, Safety Bay</td>
<td>S M Pass &amp; Mr T Pass</td>
<td>C</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>81</td>
<td>Residence</td>
<td>Lot 22 (No.274) Safety Bay Road, Safety Bay</td>
<td>C Galbraith &amp; V Galbraith</td>
<td>D</td>
<td>May 2011</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>83</td>
<td>St George's Church</td>
<td>Lot 9 (No.1-3) Thomas Street, Safety Bay</td>
<td>Perth Diocesan Trustees</td>
<td>C</td>
<td>April 2018</td>
<td>The place has historic, social and aesthetic value.</td>
</tr>
<tr>
<td>84</td>
<td>Residence</td>
<td>Lot 257 (No.21) Waimea Road, Safety Bay</td>
<td>Mr N C Chapman</td>
<td>C</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>86</td>
<td>Residence</td>
<td>Lot 2 (No.118) Arcadia Drive, Shoalwater</td>
<td>Mr M A Goodman</td>
<td>C</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>87</td>
<td>Residence</td>
<td>Lot 11 (No.124) Arcadia Drive, Shoalwater</td>
<td>Olisch Holdings Pty Ltd</td>
<td>C</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>88</td>
<td>Mersey Point</td>
<td>Reserve 22948, Lot 24 (No.153) Arcadia Drive, Shoalwater</td>
<td>City of Rockingham</td>
<td>C</td>
<td>October 1995</td>
<td>The place has historic and social value.</td>
</tr>
<tr>
<td>LGA Place No.</td>
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</tr>
<tr>
<td>89</td>
<td>Aloha and Oahu</td>
<td>Lots 31 and 42 (No.166-168) Arcadia Drive, Shoalwater</td>
<td>Various owners</td>
<td>D</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>90</td>
<td>Penguin Island</td>
<td>Penguin Island, Shoalwater</td>
<td>City of Rockingham</td>
<td>A</td>
<td>October 1995</td>
<td>The place has aesthetic, historic, social and scientific value.</td>
</tr>
<tr>
<td>91</td>
<td>Penguin Island Kitchen, Store Cave &amp; Well</td>
<td>Penguin Island, Shoalwater</td>
<td>City of Rockingham</td>
<td>B</td>
<td>December 1998</td>
<td>The place has aesthetic, historic, social and research value.</td>
</tr>
<tr>
<td>93</td>
<td>CWA Centre</td>
<td>Lot 174 (No.12) Watts Road, Shoalwater</td>
<td>Country Women's Association</td>
<td>B</td>
<td>December 2010</td>
<td>The place has historic and social value.</td>
</tr>
<tr>
<td>94</td>
<td>Residence</td>
<td>Lot 261 (No.623) Safety Bay Road, Waikiki</td>
<td>Mr S P Byrne</td>
<td>D</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>95</td>
<td>Residence</td>
<td>Lot 550 (No.5) Martell Street, Warnbro</td>
<td>Mr D D Howell</td>
<td>D</td>
<td>December 2010</td>
<td>The place has aesthetic and historic value.</td>
</tr>
</tbody>
</table>

* Heritage places marked with an asterisk are to be conserved on the basis of either incorporation as part of future industrial development or for removal and relocation elsewhere in the municipality (see Schedule A Clause 8(5) clause 5.4.2(g) of the Scheme of the deemed provisions of Town Planning Scheme No.2).

This Heritage List was adopted by the Council under clause 5.4.2 of Town Planning Scheme No.2 at its ordinary Meeting held on the 25th March 2008, and modified by Council at ordinary Meetings held on the 14th December 2010, 27th April 2011, 28th June 2011, and 25th September 2012, and 23 April 2018.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Reference No & Subject:

- **PD-025/18** Proposed Scheme Amendment No.172 – Nursing Home

## File No:
- LUP/2098

## Applicant:
- Element Pty Ltd

## Owner:
- Vital Healthcare Australian Property Pty Ltd
- Mr M J Bent and Ms G D Vieceli

## Author:
- Mr David Banovic, Senior Planning Officer

## Other Contributors:
- Mr David Waller, Co-ordinator Statutory Planning
- Mr Mike Ross, Manager Statutory Planning

## Date of Committee Meeting:
- 18 June 2018

## Previously before Council:

## Disclosure of Interest:

## Nature of Council’s Role in this Matter:
- Legislative

## Sites:
- Lot 727 (No.8) Langley Street, Rockingham
- Lot 707 (No.21) Thorpe Street, Rockingham
- Lot 708 (No.23) Thorpe Street, Rockingham
- Lot 709 (No.25) Thorpe Street, Rockingham

## Total Lot Area:
- 3,922m²

## LA Zoning:
- Residential (R20)

## MRS Zoning:
- Urban

## Attachments:
- Scheme Amendment Request - Rockingham Aged Care Home

## Maps/Diagrams:
1. Location Plan
2. Aerial Photo of Subject Sites and Surrounds
3. Existing and Proposed Zoning Map
4. Draft Concept Plan for Nursing Home Expansion (ground floor)
5. Draft Concept Plan for Nursing Home Expansion (upper floor)
6. Existing Nursing Home Complex
7. Lots 726 and 727 Langley Street
8. Langley Street Streetscape looking east
9. Draft Concept Plan for Nursing Home Expansion (3D impressions from Langley Street looking west)
10. Draft Concept Plan for Nursing Home Expansion (3D impressions from Langley Street looking east)
Purpose of Report

To consider initiating Scheme Amendment No.172 to Town Planning Scheme No.2 (TPS2), to include the following sites within the existing Additional Use (A24) to permit a ‘Nursing Home’:

- Lot 727 (No.8) Langley Street, Rockingham;
- Lot 707 (No.21) Thorpe Street, Rockingham;
- Lot 708 (No.23) Thorpe Street, Rockingham; and
- Lot 709 (No.25) Thorpe Street, Rockingham.

Background

The subject land is zoned ‘Residential’ with a density coding of R20 pursuant to TPS2. The subject lots are bound by Thorpe Street to the north, Langley Street to the south and residential lots to the east and west.

A Nursing Home complex has been in operation for over 20 years from this location and includes approximately 40 beds, communal areas and incidental office components. With the exception of Lot 709 (No.25) Thorpe Street, all lots subject to this request are owned by Vital Healthcare Australia Property Pty Ltd.

Additional Use No.24 was introduced into TPS2 by Amendment No.34, which was gazetted on 23 October 2007. The purpose of this amendment was to provide for the existing Rockingham Nursing Home located on the adjacent site to be extended, whilst maintaining the opportunity to operate uses permissible under the Residential zoning.

1. Location Plan
2. Aerial Photo of Subject Sites and Surrounds

3. Existing and Proposed Zoning Map
The applicant seeks Council approval to initiate a TPS2 Amendment to include subject lots within the existing Additional Use No.24, under Schedule No.2 of TPS2, and to amend the TPS2 Maps accordingly.

The applicant has provided the following planning justification in support of the proposed amendment:

- The proposed scheme amendment responds to the aims and objectives of the Scheme and the Residential zone by:
  - Maintaining a use that is predominantly residential in nature and will provide an appropriate interface between residential R20 coded sites flanking the subject site;
  - Adding to the density of accommodation typologies in the Rockingham area;

- The expansion of the Nursing Home may also provide additional care services targeted specifically at supporting ‘Aging in Place’ for the immediately surrounding Rockingham area; and

- The expansion will provide and increase employment opportunities, due to the propositional increase in aged care residents.”

A draft concept plan for the expansion of the existing Nursing Home has been provided in support of the TPS2 Amendment application. The plans depict a two-storey development comprising of 105 beds, communal areas for residents, incidental offices and service areas. All car parking is provided on-site with vehicular access of Langley Street only. The concept plan is preliminary only and does not form part of this TPS2 Amendment request.
4. Draft Concept Plan for Nursing Home Expansion (ground floor)
5. Draft Concept Plan for Nursing Home Expansion (upper floor)
6. Existing Nursing Home Complex

7. Lots 726 and 727 Langley Street
8. Langley Street Streetscape looking east

9. Draft Concept Plan for Nursing Home Expansion (3D impressions from Langley Street looking west)
10. Draft Concept Plan for Nursing Home Expansion (3D impressions from Langley Street looking east)

**Implications to Consider**

a. **Consultation with the Community**
   
   If the TPS2 Amendment is initiated by Council, it is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating in the area.

b. **Consultation with Government Agencies**
   
   Regulation 47 (standard amendment) requires the City to notify the WAPC following advice from the Environmental Protection Authority (EPA).

c. **Strategic**

   **Community Plan**
   
   This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

   **Aspiration B:** Strong Community
   
   **Strategic Objective:** Mobility and Inclusion – Community services, programs and infrastructure that effectively cater for all residents including seniors, youth and vulnerable populations.

   **Aspiration D:** Sustainable Environment
   
   **Strategic Objective:** Land Use and Development Control – Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. **Policy**
   
   Nil

e. **Financial**
   
   Not Applicable
f. Legal and Statutory

Metropolitan Region Scheme
The TPS2 Amendment proposal complies with the ‘Urban’ zoning of the land under the MRS.

Town Planning Scheme No.2
TPS 2 defines a Nursing Home as:
“means any building used for the medical treatment or care of sick persons, whether residents or not, but does not include a Medical Centre or hospital”.

The subject land is zoned ‘Residential’ with a density coding of R20 under TPS2.

The objective of the Residential zone is:
“The objective of the Residential zone is to promote a high quality residential environment by maintaining and enhancing the quality of existing residential areas and providing for a range of residential densities and housing types throughout the Scheme Area.”

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
The procedures for dealing with an application proposal to amend TPS2, as per the Planning and Development Act 2005 are set out in the Regulations. Regulation 35 (1) allows the Council to adopt an amendment to TPS2 proposed by all owners or any of the owners of land within the scheme area. Under Regulation 35 (2) a resolution must:

“(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and

(b) include an explanation of the reasons for the local government forming that opinion”.

The City considers the proposal to be a Standard Amendment, given it is an amendment to a zone that is consistent with the Scheme objectives, Metropolitan Region Scheme, has minimal impact on land in the Scheme Area, and has no significant environmental, social, economic or governance impacts.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks
Nil

Comments

The draft concept plan is indicative, to provide guidance on how development may be achieved. The City has concern regarding vehicular access and visible hardscape areas, landscaping and built form however, these matters will be considered as part of an assessment of a development application post rezoning.

The proposal will enable the expansion of aged and dependent care facilities in the City of Rockingham. The subject land is appropriate for a Nursing Home use for the following reasons:

• The land is located adjacent to an existing Nursing Home;
• The land is within close proximity to community and medical services;
• The land is located within close proximity to the Rockingham Waterfront Village and City Centre which provide a variety of retail, commercial, medical and support services; and
• Expanded care facilities at the Rockingham Nursing Home will add to the density of accommodation typologies in the Rockingham area.

The expansion of the Nursing Home proposal is considered to be compatible with the surrounding residential area as well as the objective of the Residential zone under TPS2 and is therefore supported subject to special conditions.

It is recommended that the Council initiate Amendment No.172 to TPS2.
Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** (initiate) Amendment No.172 to the City’s Town Planning Scheme No.2, in pursuance of Section 75 of the *Planning and Development Act 2005*, as follows:
   (i) Amend Additional Use No.24 in Schedule 2 to include changes in red, to as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Additional Use</th>
<th>Special Conditions</th>
</tr>
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<td>24</td>
<td>Lot 726 (No.10) Langley Street, Rockingham, Lot 727 (No.8) Langley Street, Rockingham and Lots 707-709 (No. 21, 23 and 25) Thorpe Street, Rockingham</td>
<td>Nursing Home</td>
<td>1. The nursing home must be designed to accommodate the same building setbacks as those that would be required under the R-Codes if the development was considered to be a residential building. 2. The provision of a Traffic and Carparking Report by a suitably qualified consultant that demonstrates to the satisfaction of Local Government that all carparking requirements can be accommodated on-site.</td>
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</table>

(ii) Amend the Scheme Maps accordingly.

2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council:

1. **ADOPTS** (initiate) Amendment No.172 to the City’s Town Planning Scheme No.2, in pursuance of Section 75 of the *Planning and Development Act 2005*, as follows:
   (i) Amend Additional Use No.24 in Schedule 2 to include changes in red, to as follows:

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(ii) Amend the Scheme Maps accordingly.

2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Committee Voting – 5/0

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<td>Reference No &amp; Subject:</td>
<td>PD-026/18 Final Adoption - Planning Policy 3.3.2 - Bed and Breakfast Accommodation</td>
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<td>File No:</td>
<td>LUP/364</td>
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<tr>
<td>Author:</td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 June 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>May 2008 (PD81/5/08), October 2010 (SP-004/10), February 2011 (SP-005/11) and March 2018 (PD-011/18)</td>
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<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
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### Purpose of Report

To consider final adoption of amendments to Planning Policy 3.3.2 - Bed and Breakfast (PP3.3.2), following public advertising.

### Details

The amended PP3.3.2 includes updated references to legislation, terminology, scale of operations, location and operational criteria and is simplified for ease of use.

The public advertising period for the draft amended PP3.3.2 has concluded, the details of which form the basis of this report.

### Background

In March 2018, Council resolved to adopt amendments to PP3.3.2 for the purposes of public advertising.
Implications to Consider

a. Consultation with the Community

In accordance with clause 4(1) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), the proposed amendments to PP3.3.2 were advertised in the following manner:

- An advertisement was published in the Weekend Courier Newspaper on 13 April 2018;
- A copy of the draft PP3.3.2 was advertised on the City’s website from 6 April 2018 to 4 May 2018; and
- Copies of the draft PP3.3.2 were made available at the City’s Administration Office.

At the conclusion of the public advertising period on 4 May 2018, no submissions were received.

b. Consultation with Government Agencies

Nil

c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Under the deemed provisions of TPS2 the Local Government may prepare, modify or revoke a Planning Policy. If the Local Government resolves to amend the PP3.3.2, the City is required to publicly advertise the proposed changes for a period of 21 days.

PP3.3.2 is not part of TPS2 and does not bind the Local Government in respect of any application for Development Approval, but the Local Government is to have due regard to the provisions of the Policy and the objectives which PP3.3.2 is designed to achieve before making its determination.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The text amendments proposed are predominantly administrative and operational to ensure legislation and strategies within the Policy are correct.

No submissions were received during the advertising period.

It is recommended the Council adopt the revised PP3.3.2 accordingly.
Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the adoption of the revised Planning Policy 3.3.2 - Bed and Breakfast Accommodation (amendments marked in red).

Committee Recommendation

Moved Cr Sammels, seconded Cr Whitfield:

That Council APPROVES the adoption of the revised Planning Policy 3.3.2 - Bed and Breakfast Accommodation (amendments marked in red).

PLANNING POLICY 3.3.2

BED AND BREAKFAST ACCOMODATION

1. Introduction

The City of Rockingham Town Planning Scheme No.2 defines ‘Bed and Breakfast’ as a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

The ‘Council Local Government’ recognises the importance of tourism development and seeks to encourage the provision of a wide range of short stay Bed and Breakfast accommodation. In this regard, Bed and Breakfast provides visitors with low key, home-style, type of accommodation.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council Local Government shall have due regard to in the assessment and determination of applications for planning Development Approval for the establishment of Bed and Breakfast accommodation.

In this regard, no person shall commence or carry out any development of Bed and Breakfast accommodation without first having applied for and obtained the planning Development Approval of the Council Local Government, pursuant to the provisions of Part 6 of Town Planning Scheme No.2 deemed provisions of TPS2.

2. Policy Application

In Town Planning Scheme No.2 TPS2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Bed and Breakfast use in Town Planning Scheme No.2 TPS2 can be summarised as follows:

(a) the use is not permitted in the Residential, Development’ and Rural zones unless the use is ‘incidental’ to the ‘predominant’ use of the land as determined by the Council Local Government;

(b) the use is not permitted in the Special Rural zone unless the Council Local Government has exercised its discretion by granting planning Development Approval, following a process of community consultation in accordance with clause 4 of 6.3.3 of the scheme the deemed provisions of TPS2;

(c) the use is not permitted in the Special Residential zone unless the Council Local Government has exercised its discretion by granting planning Development Approval;

(d) the use is not permitted in the Warnbro Dunes Special Residential zone and all other zones.

1. In the Development zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, landuses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2. In the Development zone, the Local Government will have due regard to use class permissibility in accordance with a Structure Plan approved by the Western Australian Planning.
2. Bed and Breakfast is a use not permitted in the Warnbro Dunes Special Residential zone. Refer to Schedule No.5 of Town Planning Scheme No.2 relating to the Warnbro Dunes Special Residential zone.

This Planning Policy should be read in conjunction with Planning Procedure 1.1 - Delegated Authority, Planning Procedure 1.3 - Community Consultation, the Food Act 2008, the Food Safety Standards and the Building Code of Australia.

3. **Policy Objectives**

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to establish Bed and Breakfast accommodation from their homes;

(b) To secure the amenity, health and convenience of both visitors and surrounding residents through appropriate development requirements; and

(c) To ensure that the Bed and Breakfast accommodation is incidental to the predominant use of the property in order to maintain the amenity of the immediate area.

4. **Policy Statement**

4.1 **Location**

Applications for Bed and Breakfast accommodation are favoured in locations that present an advantage to visitors to the City, such as proximity to the beach, lakes, parks, high frequency bus routes, retail and restaurant facilities.

The establishment of more than two Bed and Breakfast uses within small residential streets and culs-de-sac may not be supported where, in the opinion of the Council Local Government, traffic generation will affect the amenity of existing residents.

4.2 **Scale of Operation**

The applicant will need to satisfy the Council Local Government that the space to be used for the provision of Bed and Breakfast accommodation is such that the predominant use will continue to be one of a ‘dwelling’ and, The Local Government will only consider a maximum of four adult persons or one family and containing not more than two guest bedrooms for any proposal within a ‘dwelling’. It will therefore require information concerning the maximum numbers of guests and the floor space to be used.

4.3 **Parking**

One carparking bay for each bedroom to be used for Bed and Breakfast accommodation must be provided on-site. If two bedrooms are to be separately let for Bed and Breakfast accommodation via a separate booking at the same time, two carparking bays must be provided on-site. This requirement is in addition to the two on-site carparking bays required for the existing dwelling.

Should the occupant of the Bed and Breakfast accommodation be towing a trailer, caravan, boat or the like, these must also be parked on the subject site land the subject of the Development Application.

4.4 **Advertising Signs**

Any proposed advertising sign shall not exceed 0.2m² in area and shall not may be illuminated without subject to the prior approval of the Council Local Government.

A Bed and Breakfast sign shall only describe the name of the business and the contact name(s) and telephone numbers.

No more than one sign per lot shall be permitted and the sign shall be erected on the land on which the Bed and Breakfast is being carried out.

Pursuant to the provisions of Town Planning Scheme No.2 TPS2 and the Council's Local Government's Signs, Hoardings and Bill Posting Local-Law, a proposed advertising sign which does not exceed 0.2m² in area is exempt from the requirement to obtain a planning Development Approval and a Sign Licence (unless the advertising sign is proposed to be illuminated, in which case a Sign Licence would be required).
4.5 Health Requirements

The City's Health Services will require the following:

(a) All Bed and Breakfast accommodation must comply with the provisions of the Health Act 1911, the Food Act 2008 and the Food Safety Standards, to the satisfaction of the Manager, Health Services, including the following:
   - Separate shower, WC and hand basin to be provided where practical;
   - Room sizes in accordance with the Health Act 1911 (14 cubic metres per person);
   - Hygiene standard of premises is to be acceptable before approval given; and
   - Food preparation areas to comply with "Guidelines for the Preparation of Foods in Residential Premises" (see Appendix 1).

(b) Food Act 2008 – Application for a Registration Certificate form to be completed by the applicant. Application Form for Registration of a Bed & Breakfast to be completed by the applicant (see Appendix 2);

(c) The Food Premises Notification Form is to be completed by the applicant. Application Form for Registration/Notification of a Food Business Form (see Appendix 3);

(d) If the dwelling is serviced by a septic disposal system, upgrading to a new system may be required; and

(e) If there is a pool or spa on the property, approval from the Executive Director of Public Health at the Department of Health (WA) is required under the Health (Aquatic Facilities) Regulations 2007, before guests are able to utilise these facilities.

Please note that Health Services fees apply. For further information or assistance on this section, contact the City’s Health Services on 9528 0315.

4.6 Fire Control and Lighting

A smoke alarm system and lighting to assist evacuation shall be installed so as to comply with the Building Code of Australia. Fire extinguishers and fire blankets must also be provided to the satisfaction of the Manager, Building Services.

4.7 Refuse Collection/Recycling

Satisfactory arrangements will need to be made with the Manager, Engineering Services to ensure that measures are put in place to cope with any additional wastes generated, such that nuisance is not created by bins being overloaded. Operators are also actively encouraged to promote recycling.

4.8 Amenity

The operator of a Bed and Breakfast shall establish 'house rules' for residents that would take into consideration the amenity of adjoining and nearby properties, particularly in relation to noise and disturbance.

4.9 Building Approval

Where When a Bed and Breakfast accommodation requires the construction of a new building or modifications, alterations to an existing building, a Building License Permit (Certified) will be required from the Council Local Government (in addition to a Planning Development Approval), and must comply with the Building Code of Australia (NCC BCA), Disability (Access to Premises-Building) Standards 2010 and the relevant provisions of AS 1428 - Design for access and mobility. Consultation with a Private Building Certifier is required and all applications must be certified to ensure compliance with disability access.

4.10 Consultation

All applications for planning Development Approval for the establishment of Bed and Breakfast accommodation will be the subject of a process of community consultation in accordance with clause 4 of 6.3.3 of Town Planning Scheme No.2 the deemed provisions of TPS2 and Planning Procedure No.1.3 - Community Consultation.

5. Application Procedure

Applications for planning Development Approval for the establishment of Bed and Breakfast accommodation shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:
(a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;

(b) A detailed house plan indicating which bedroom(s) are to be used for the Bed and Breakfast accommodation and not exceeding the requirements of 4.2 ‘Scale of Operations’;

(c) Such plans and other information that the Council Local Government may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2, including but not limited to the location, location and number of all existing and proposed car parking spaces on-site;

(d) Details of any proposed signage to be erected (to demonstrate that sign does not exceed 0.2m²);

(e) The payment of a Planning Services Fee as detailed in the Council’s Local Government’s Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services;

(f) A Food Act 2008 – Application for Registration Certificate An Application Form for Registration of a Bed and Breakfast (Appendix 2); and

(g) An Application Form for Registration of a Bed and Breakfast Application for Registration/ Notification of a Food Business Form (Appendix 3).

(h) A Food Premises Notification Form (Appendix 4)

6. Authority

This Planning Policy has been adopted by the Council Local Government under clause 8.9 of Town planning Scheme No.2 the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Council Local Government in respect of any application for planning Development Approval, the Council Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2 and the State Planning Policy 3.1; Residential Design Codes (R Codes);

Local Government means the Council Local Government of the City of Rockingham.

Dwelling means a building or portion of a building being used or intended, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by:

(a) a single person;

(b) a single family; or

(c) no more than six persons who do not comprise a single family.

Incidental Use means a premises which is ancillary and subordinate to the predominant use.

Predominant Use means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.

High Frequency Bus Route means a public transport route with timed stops that run a service at least every 15 minutes during week day peak periods (7 to 9am and 5 to 7pm).

8. Delegation

Subject to no substantiated objections being received following community consultation, applications for planning approval which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority. Development Applications which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 83 of the deemed provisions of TPS2 and the Delegated Authority Register.

In the event that substantiated objections are received following community consultation, the application for planning Development Approval will be referred to the Council Local Government for determination.

9. Adoption

This Planning Policy was adopted by the Council Local Government at its ordinary Meeting held on 27 May 2008.
10. Amendment
This Planning Policy was amended by the Council Local Government at its ordinary Meeting held on 22 March 2011 and blank.

11. Revocation
This Planning Policy supersedes the Council’s Statement of Planning Policy No.2.9 - Bed and Breakfast Accommodation.

Appendices (not attached to this report)
2. Application Form for Registration of a Bed and Breakfast.
3. Application for Registration/Notification of a Food Business Form.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Planning and Development Services
Statutory Planning Services

Reference No & Subject: PD-027/18 Proposed Scheme Amendment No.169 - Omnibus Amendment to Town Planning Scheme No.2

File No: LUP/2080
Applicant: Various
Owner: Various
Author: Mr Neels Pretorius, Planning Officer
Other Contributors: Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 18 June 2018
Previously before Council: 18 June 2018

Disclosure of Interest: Legislative
Nature of Council’s Role in this Matter: Legislative

Site: Various
Lot Area: Various
LA Zoning: Various
MRS Zoning: Various
Attachments: Various
Maps/Diagrams: Various

Purpose of Report
To consider Scheme Amendment No.169 - Omnibus Amendment to Town Planning Scheme No.2 (TPS2) for the purpose of:
- updating the Zoning Table to modify land use permissibility; and
- making minor corrections and alterations to TPS2 text and maps.

Details
Upon review of TPS2, a number of incorrect clauses and references were identified which need to be updated to ensure the TPS2’s accuracy and consistency.
The Zoning Table also needs to be updated as some of the land uses are not appropriate for particular zones, whilst some land uses should be considered for inclusion.
The Scheme Amendment proposes the following:

**Proposal No.1 - Special Rural Zone**

When land is included in the Special Rural zone, it is also depicted in a separate plan that identifies specific land use controls within Schedule No.4 of TPS2.

Lot 1006 Baldivis Road was previously rezoned to 'Development' as part of Scheme Amendment No. 165 to TPS2 in 2017 and is no longer zoned Special Rural.

**Recommendation**

(a) Amend Schedule No.4, Portions of Planning Unit 5 of the Rural Land Strategy Location Table to delete Plan Reference 5(iv) Lot 1006 Baldivis Road.

(b) Delete Plan Reference 5(iv) on Plan No.4 Special Rural zones (North) (Under Clause 4.12 and Schedule No.4)

**Proposal No.2 - Local Development Plan (LDP)**

The Special Rural zone and Special Residential zone previously included a TPS2 clause requiring subdivision to be in accordance with an adopted Subdivision Guide Plan (SGP).

TPS2 was amended to replace the term SGP with LDP in Amendment No. 160 to TPS2. Following further review of the planning instrument terms under the Planning and Development (Local Planning Schemes) Regulation 2015 (Regulations), it is proposed to replace all occurrences of Local Development Plan (LDP) with the term Structure Plan, as it applies to Special Rural zones and Special Residential zones.

A Structure Plan was considered to be a more appropriate planning instrument by the Department of Planning, Lands and Heritage as it refers to “future subdivision and zoning of an area of land”. It is also proposed to change the references of “Local Development Plan certified by the Chief Executive Officer” with “Structure Plan certified by the Commission.”

**Recommendation**

Replace all occurrences of the term 'Local Development Plan' with Structure Plan as it applies to Special Rural zones (Schedule No.4) and Special Residential zones (Schedule No.5).

**Proposal No.3 - Vegetation Removal**

In the Special Rural zone and Special Residential zone of TPS2, no clearing (removal) of “indigenous trees or substantial vegetation” is permitted without the prior approval of the Local Government except where:

"(a) The trees are dead, diseased or dangerous;  
(b) The establishment of a fire break as required under regulation or local law;  
(c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication 'Planning for Bushfire Protection';  
(d) Access to an approved development site is required;  
(e) Subdivision works require the removal of vegetation."

Reference to 'Native vegetation’ is preferred as it aligns with terminology used in the Environmental Protection Act 1986 (the Act). Native vegetation is defined under Part 1, Section 3 of the Act as “indigenous aquatic or terrestrial vegetation, and includes dead vegetation unless that dead vegetation is of a class declared by regulation to be excluded from this definition but does not include vegetation in a plantation;

'Substantial vegetation’ is considered ambiguous. 'Significant habitat trees' is preferred as this is better defined under state and federal guidelines regarding conservation of significant fauna species. For example, a large jacaranda tree is not 'native vegetation' and whether it is 'substantial vegetation’ is not defined. Jacarandas, however, are defined as a significant habitat tree for endangered Carnaby’s Black Cockatoos by the Department of Biodiversity, Conservation and Attractions.

**Recommendation**

Replace all occurrences of the following as it applies to the Special Rural zone (Schedule No.4 and Special Residential zone (Schedule No.5), as follows:
"No indigenous trees or substantial vegetation shall be removed, including from within the building envelope, where applicable, without the prior approval of the Local Government, except where:"

with

"No native vegetation or significant habitat trees shall be removed, including from within a building envelope, except where established with written prior approval from Local Government. The Local Government may approve the removal of vegetation where the following context applies:"

It is also proposed to replace all occurrences of the term 'building protection zone' with 'asset protection zone' and replace the term 'Planning for Bushfire Protection' with 'Guidelines for Planning in Bushfire Prone Areas'.

Proposal No.4 – General Industry and Special Industry zones

Within the General Industry and Special Industry zones of the Improvement Plan (IP14) area, applicants can choose to prepare a Structure Plan for any development works, which ensures a holistic approach to site development. Once a Structure Plan has been approved, development approval of the Local Government is not required for any development carried out in accordance with the approved Structure Plan.

The definition of a Structure Plan, however, does not match the intent of guiding development rather than subdivision in clause 4.10.11 of the City’s TPS2. A Structure Plan is used to guide subdivision whereas a LDP is used to guide built form and development, which more accurately describes the intent.

Recommendation

Replace all occurrences of 'Structure Plan' with 'Local Development Plan' in clause 4.10.11, applying the General Industry and Special Industry zones of the IP14 area.

Proposal No.5 - Delete the definition of a 'Structure Plan' in Schedule No. 1

A Structure Plan is defined in the terms of Part 4 of the deemed provisions of the Regulations which applies together with TPS2, as follows:

"structure plan means a plan for the coordination of future subdivision and zoning of an area of land."

The interpretation of a Structure Plan in TPS2 by comparison means:

"Structure Plan means a plan prepared in accordance with clause 4.10.11 of the Scheme Text that proposes development as adopted by the Local Government and inner alia, with the matters raised in that clause."

Recommendation

Delete the 'Structure Plan' interpretation in Schedule No.1 – Interpretations of TPS2, as it is has been superseded by the same term in the Regulations.

Proposal No.6 - Table No. 1 - Zoning Table

The Zoning Table outlines land use and development permissibility within all zones. A review of the Zoning Table was undertaken and it was concluded there was an opportunity to expand Bed and Breakfast establishments within the City. TPS2 currently prohibits Bed and Breakfast unless the application is approved by the Local Government following advertising in most zones where a dwelling is permitted, however, in locations most frequented by tourists such as Rockingham foreshore and in close proximity to eateries, retail outlets and public transport, Bed and Breakfast establishments are not permitted.

Recommendation

Bed and Breakfast is amended as a use that is not permitted (D) unless the Local Government grants development approval in the Primary Centre City Centre zone, Primary Centre Waterfront Village zone, Primary Centre Urban Village zone and District Town Centre zone.

The following changes are proposed to the Zoning Table, respective of the permissibility as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Current Permissibility</th>
<th>Proposed Permissibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast</td>
<td>Primary Centre City Centre</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Primary Centre Waterfront Village</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Use Class</td>
<td>Zoning</td>
<td>Current Permissibility</td>
<td>Proposed Permissibility</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------------------------</td>
<td>------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Primary Centre Urban Village</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>District Town Centre</td>
<td>X</td>
<td>D</td>
</tr>
</tbody>
</table>

The symbols have the following meanings under TPS2:

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 64 of the deemed provisions.

‘IP’ means a use that is not permitted unless the use is incidental to the predominant use if the land as determined by the Local Government.

‘X’ means a use that is not permitted by the Scheme.

**Proposal No.7 – Minor Zoning Boundary Amendment**

The zoning boundary of Lot 54 (No.903) Mandurah Road and Lot 53 (No.18) Fifty Road, Baldivis needs to be amended to correspond with the current lot boundaries (cadaster), as shown below.

1. Minor Zoning boundary realignment
Proposal No.8 – Minor Zoning Boundary Amendment

The realignment of Leary Road was undertaken to facilitate the Baldivis Freeway Service Centre on the eastern side of the Kwinana Freeway. There is a misalignment of the zoning boundary of the Special Use zone (Freeway Service Centre) that needs to be amended to align with the lot new road and lot boundaries.

The proposed amendment is shown on the map below.

Proposal No.9 – Consistency with Metropolitan Region Scheme (MRS)

Proposal 2b of MRS Amendment 1297/57 included the transfer of Lot 780 Eighty Road, Baldivis from Public Purpose (SEC reservation) to the Urban zone and to transfer Lot 3001 Pike Road from the Urban zone to the Public Purposes (SEC reservation). MRS Amendment 1297/57 (as modified) came into effect on 15 November 2017, being the date of publication in the Government Gazette. Lot 780 Eighty Road, Baldivis is currently not zoned and it is necessary to zone the land for consistency with the MRS.

Recommendation

Lot 780 Eighty Road, Baldivis should be zoned 'Development' to be consistent with the zoning of the Baldivis Grove Estate. Lot 780 Eighty Road, Baldivis should also be included into DA41 in Schedule No 8 of the Scheme Text to be consistent with the adjoining land.
3. Lot 780 Eighty Road, Baldivis proposed Development Zone
4. Adopted Baldivis Grove Structure Plan

**Implications to Consider**

a. **Consultation with the Community**
   If the Scheme Amendment is initiated by the Local Government, it is required to be advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating in the area.

b. **Consultation with Government Agencies**
   Consultation with the Western Australian Planning Commission (WAPC) and other relevant government agencies will occur should the Scheme Amendment be initiated by the Local Government in accordance with clause 47 of the Regulations.

c. **Strategic Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration D:** Sustainable Environment
   
   **Strategic Objective:** Land Use and Development Control – Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. **Policy**
   Nil

e. **Financial**
   Nil

f. **Legal and Statutory**
   *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*
   The procedures for dealing with proposals to amend TPS2, as per the Planning and Development Act 2005, are set out in the Regulations.
Regulation 35(1) enables the Local Government to prepare or adopt an amendment to TPS2, in a form approved by the WAPC. The resolution must specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment, and include an explanation for the reason for the local government forming that option.

The City considers the proposed scheme amendment to be both a basic amendment and standard amendment, for the following reasons:

(a) A basic amendment means an amendment to correct and administrative error, or an amendment that is consistent with the Regulations, deleting provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations or amendment to the scheme so that it is consistent with the MRS; and

(b) A standard amendment means an amendment to a zone or reserve that is consistent with the Scheme objectives, Local Planning Strategy, Metropolitan Region Scheme, consistent with a structure plan and minimal impact on land in the Scheme area, and has no significant environmental, social, economic or governance impacts.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed scheme amendment includes minor amendments to the scheme text and zoning boundary changes that are minor administrative changes, with the exception of the proposed changes in land use permissibility.

It is recommended that Council adopt (initiate) the scheme amendment for the purpose of advertising.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** (initiate) Amendment No.169 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2.

2. **CONSIDERS** the proposed scheme amendment is both a ‘basic amendment’ and a ‘standard amendment’ in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. As a ‘basic amendment’ it includes amendments to correct administrative errors and zoning of land for consistency with the MRS. As a ‘standard amendment’ it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:

That Council:

1. **ADOPTS** (initiate) Amendment No.169 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows:

   Proposal No.1

   (a) Delete Plan Reference 5(iv) Lot 1006 Baldivis Road in Schedule No.4, Portions of Planning Unit 5 of the Rural Land Strategy Location Table.
(b) Delete Plan Reference 5(iv) on Plan No.4 Special Rural zones (North) (Under Clause 4.12 and Schedule No.4)

Proposal No. 2
Replace all occurrences of ‘Local Development Plan’ with ‘Structure Plan’ as it applies to Special Rural zones in Schedule No.4 and Special Residential zones in Schedule No.5.

Proposal No. 3
Replace all occurrences of:
(a) Clause No.15 of Planning Unit 2, Clause No.19 of Planning Unit 3, Clause No.17 of Planning Unit 4 and Clause No.15 of Planning Unit Nos 5, 6 and 7 in Schedule No.4 of the Special Rural zone.; and
(b) Clause No.14 of Planning Unit 3, Clause No.13 of Planning Unit 4 and Clause No.10 of the land referred to as Special Residential zones Warnbro Dunes (Referring to Clause 4.13 and Plan No.7) in Schedule No.5 of the Special Residential zone:

as follows:

“**No native vegetation** or **significant habitat trees** shall be removed, including from within a building envelope, except where established with written prior approval from Local Government. **The Local Government may approve the removal of vegetation where the following context applies:**

(a) The trees are dead, diseased or dangerous;
(b) The establishment of a fire break as required under regulation or local law;
(c) Fire protection within an asset protection zone as defined in the Western Australian Planning Commission publication “Guidelines for Planning in Bushfire Prone Areas”;
(d) Access to an approved development site is required;
(e) Subdivision works require the removal of vegetation.”

and

Replace all other occurrences of ‘building protection zone’ with ‘asset protection zone’ throughout the scheme.

Proposal No. 4
Replace all occurrences of the term ‘Structure Plan’ with the term ‘Local Development Plan’ in clause 4.10.11, applying the General Industry and Special Industry zones of the IP14 area.

Proposal No. 5
Delete the ‘Structure Plan’ interpretation in Schedule No.1 – Interpretations.

Proposal No. 6
Table No. 1 - Zoning Table is amended in accordance with the following:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Current Permissibility</th>
<th>Proposed Permissibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast</td>
<td>Primary Centre City Centre</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Primary Centre Waterfront Village</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Primary Centre Urban Village</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>District Town Centre</td>
<td>X</td>
<td>D</td>
</tr>
</tbody>
</table>
Proposal No.7
Amend the Special Use No.11 (Freeway Service Centre) zoning boundary as it applies to Lot 192 Leary Road, Baldivis to align with the Kwinana Freeway and cadastral lot boundaries, as shown below.

Proposal No.8
Amend the zoning boundary of Lot 54 (No.903) Mandurah Road and Lot 53 (No.18) Fifty Road, Baldivis as shown below:
Proposal No.9

Rezone Lot 780 Eighty Road, Baldivis from 'Unzoned' to 'Development', and include the notation DA41 on the Scheme Map applying to the land and include within Schedule No.8 as follows (amendments in red):

Schedule No.8 - Development Areas (Under clause 4.2)

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA41</td>
<td>Lots 1, 2, 335 and 780 Eighty Road, Lots 1001 and 3001 Pike Road and portions of Lots 1, 2 and 601 Mandurah Road, Baldivis.</td>
<td>An approved Structure Plan together with all approved amendments and Local Development Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
</tbody>
</table>
2. **CONSIDERS** the proposed scheme amendment is both a ‘basic amendment’ and a ‘standard amendment’ in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. As a ‘basic amendment’ it includes amendments to correct administrative errors and zoning of land for consistency with the MRS. As a ‘standard amendment’ it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
## Reference No & Subject:

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-028/18 Joint Development Assessment Panel Application - Proposed Mixed Use Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD20.2018.00000087.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Pinnacle Planning Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Rockingham No 1 Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 June 2018</td>
</tr>
</tbody>
</table>

## Site:

<table>
<thead>
<tr>
<th>Site:</th>
<th>Lots 61 and 62 Council Avenue, Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area:</td>
<td>Total - 2,636m² (Lot 61 - 818m², Lot 62 - 1,818m²)</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Primary Centre City Centre</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Central City Area</td>
</tr>
</tbody>
</table>

## Attachments:

1. Responsible Authority Report
2. Minutes of Design Review Panel Meeting held 21 February 2018

## Maps/Diagrams:

1. Location Plan
2. Aerial Photo
3. Existing Approval
4. Integrated Development Guide Plan
5. Basement
6. Site / Ground Floor Plan
7. Mezzanine
8. First Floor
9. Second to Fifth Floor
10. Sixth Floor
11. Roof Plan
12. Council Avenue Elevation
13. South East Elevation
14. North West Elevation
15. North East Elevation
16. South West Elevation
17. Section
18. Council Avenue Perspective
19. Rear Service Road Perspective
20. Council Avenue Perspective
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a mixed use development at Lots 61 and 62 Council Avenue, Rockingham.

1. Location Plan

2. Aerial Photo
Background

In February 1996, an Integrated Development Guide Plan (IDGP) was approved over the subject land (see Figure 4). The approved IDGP makes provision an internal public roads system including public parking.

To achieve the objectives of the IDGP, the subject site is affected by a number of access and parking easements which encumber all lots contained within the area bounded by Council Avenue, MacKinnon Street and Goddard Street.

On 13 June 2014, the SWJDAP granted Development Approval for a six storey, mixed use development comprising:

- 99 Multiple Dwellings; and
- Two retail shops (179.8m²) (ground floor).
The applicant seeks Development Approval for two, eight storey mixed use, buildings fronting Council Avenue. Specifically, the development comprises the following:

**Northern Building:**
- Thirty-two multiple dwellings, including:
  - Thirty-one 2 bedroom x 2 bathroom; and
  - One 3 bedroom x 2 bathroom.
- Three ground floor commercial tenancies including:
  - 83m² cafe tenancy fronting Council Avenue;
  - 103m² commercial tenancy fronting Council Avenue; and
  - 163m² pharmacy tenancy fronting the rear service road.
- Mezzanine Level including:
  - BBQ area;
  - A meeting room
  - A lounge; and
  - Mezzanine levels for the commercial tenancies fronting Council Avenue.

**Southern Building:**
- Thirty multiple dwellings, including:
  - Twenty-eight 2 bedroom x 2 bathroom; and
  - Two 3 bedroom x 2 bathroom.
• One ground floor medical Centre fronting Council Avenue including:
  - Eight consulting rooms;
  - One physio suite; and
  - One pathology suite.
• Mezzanine Level including:
  - 264m² office; and
  - A yoga studio;
• Twenty-three residential car bays on the first floor.

Both Buildings:
• Basement level including
  - Forty-one residential car bays;
  - Twenty seven commercial car bays (including one accessible bay) in a tandem format;
  - Residential stores;
  - Twenty-nine bicycle parking spaces; and
  - End of trip facilities
• Central landscaped communal open space.

Figures 5 - 18 are taken from the application for Development Approval.

The applicant provided the following documents in support of the application:
• Planning Report;
• Development Plans;
• Landscape Plan;
• Acoustic Assessment; and
• Traffic Impact Assessment.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER
6. Site Plan / Ground Floor Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER

9. Second to Fifth Floor
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER

12. Council Avenue Elevation
13. South East Elevation
14. North West Elevation
15. North East Elevation
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

16. South West Elevation
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER

19. Rear Service Road Perspective
20. Council Avenue Perspective

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

PRESIDING MEMBER
Implications to Consider

a. Consultation with the Community
The proposed land uses are defined as “D” uses under City of Rockingham Town Planning Scheme No.2 (TPS2), which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Where a development involves a “D” use, the Council may give notice of the application to nearby owners and occupiers, if in the opinion of Council, they are likely to be affected by the development.

The proposal is generally consistent with the IDGP and the ‘Eastside Precinct Concept Plan’ as contained in the approved Rockingham City Centre - Activity Centre Plan (2009), and it is set back significantly from existing residential development on the opposite side of Council Avenue. As such, advertising of the proposal was not considered to be necessary.

b. Consultation with Government Agencies
Consultation with other agencies is not required pursuant to TPS2.

c. Strategic

Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

State Government Policies
State Planning Policy 3.1 – Residential Design Codes

Clause 4.3A.2 of the TPS2 states that the Residential Design Codes (R-Codes) are not to apply to the development of land in the Primary Centre City Centre zone for any of the residential purposes dealt with by the R-Codes. Notwithstanding this, the R-Codes are used in the assessment of the car parking and end-of-trip facilities which have been discussed in this report.

Local Policies

Rockingham Strategic Metropolitan Centre: Centre Plan
In September 2009, the Council adopted the Centre Plan for the Rockingham Strategic Metropolitan Centre (Centre Plan); it was endorsed by the Western Australian Planning Commission in November 2009 as an appropriate Centre Plan to guide future planning and development in the locality. The scope of the Centre Plan covers an area of almost 600 hectares between the Rockingham Train Station and Rockingham Beach and includes the subject site. The Centre Plan is guided by the following vision:

“The vision is for a modern, distinctly coastal centre offering a wide range of mixed uses including retail, commercial, office, civic, residential, education and recreation within an accessible and highly inter-connected, urban-scaled townscape, comprising a major activity centre and related urban villages based on ‘Main Street’ principles.”

The City Centre Sector, within which the subject lot is located, is one of 11 Sectors within the Centre Plan.

Planning Policy 3.2.1 – Development Policy Plan City Centre Sector (PP3.2.1)

PP3.2.1 has been established to guide development within the City Centre Sector, within which there are seven precincts. For each of the precincts PP3.2.1 identifies a desired future character, preferred land uses and required elements for development proposals. The subject site is located within the Eastside Precinct.
The proposed development is consistent with the desired future character for the Eastside Precinct, having a higher density mixed use development fronting Council Avenue. It is consistent with the preferred land uses, being residential on the upper floors and commercial on ground level. An assessment of the development against the relevant required elements of the Eastside Precinct is contained within the attached Responsible Authority Report, wherein it is demonstrated that the proposal complies with the overall intent of PP3.2.1. Proposed variations to the height and density provisions of PP3.2.1 are supported. These are discussed in detail below:

**Building Height**

The development proposes eight storeys in lieu of the maximum six storeys under PP3.2.1. Notwithstanding, the development is considered to comply with the overall intent and objectives of TPS2 and PP3.2.1. for the following reasons:

- Given the orientation of the building there will be no undue overshadowing implications as a result of the increased height;
- The bulk and scale of the building is broken up with the inclusion of a central landscaped communal open space area; and
- A quality mixed use building will locate people and services in an area well serviced by public transport.

Consequently this variation to PP3.2.1 is supported.

**Residential Density**

PP3.2.1 recommends a residential density of between 80 and 200 dwellings per hectare. In this instance, a residential density of 235 dwellings per hectare is proposed. It is noted that the current approval over the site proposes 375 dwelling units per hectare. Given that the subject proposal constitutes a significant reduction in density when compared to the existing approval, this variation to PP3.2.1 is supported.

**Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)**

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

**Bicycling Parking**

The bicycle parking requirement is shown in the below table:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Land Use</td>
</tr>
<tr>
<td></td>
<td>Office =264m²</td>
</tr>
<tr>
<td></td>
<td>Office =103m²</td>
</tr>
<tr>
<td></td>
<td>Medical Centre = 8 Practitioners</td>
</tr>
<tr>
<td></td>
<td>Restaurant = 83m²</td>
</tr>
<tr>
<td></td>
<td>Shop = 163m²</td>
</tr>
<tr>
<td></td>
<td>Multiple Dwellings = 62 apartments</td>
</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td>Required</td>
</tr>
<tr>
<td></td>
<td>Short Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Office =264m²</td>
<td>1/500m² NLA</td>
</tr>
<tr>
<td>Office =103m²</td>
<td>1/500m² NLA</td>
</tr>
<tr>
<td>Medical Centre = 8 Practitioners</td>
<td>1/ 8 Practitioners</td>
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<tr>
<td>Restaurant = 83m²</td>
<td>1/150m² NLA</td>
</tr>
<tr>
<td>Shop = 163m²</td>
<td>1/150m² NLA</td>
</tr>
<tr>
<td>Multiple Dwellings = 62 apartments</td>
<td>1/10 dwellings</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
</tr>
</tbody>
</table>
A condition is recommended requiring thirteen short-term and six long-term bicycle parking bays on site which complies with PP3.314.

End-of-Trip Facilities

With the requirement for six long term parking spaces, two showers (one male / one female) are required to be provided in accordance with PP3.3.14. A condition has been recommended to this effect.

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Local Planning Scheme) Regulations 2015 (Planning Regulations)

Clause 3 of Schedule 2 of the Planning Regulations states that the Local Government must have regard to each relevant local planning policy in determining an application. The City’s assessment of this proposal has given due regard to relevant policies, in the Policy section of this Report.

Clause 67 of Schedule 2 of the Planning Regulations outlines the matters to which the Local Government is to have due regard when considering an application for development approval. Where relevant, these matters have been discussed throughout this Report.

City of Rockingham Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The proposed development is comprised of a mixture of uses that are all designated as ‘D’ uses within the Primary Centre City Centre zone. This means that the uses are not permitted unless the Council has exercised its discretion by granting Development Approval.

Clause 4.3A.1 – Objectives of the ‘Primary Centre City Centre’ zone

The subject site is zoned ‘Primary Centre City Centre’ under TPS2. The proposed development is considered to be consistent with the objectives of the Primary Centre City Centre zone which include inter alia:

“(b) to contribute to the development of integrated retail, office, commercial, residential, civic and community facilities generally in accordance with the requirements of the Development Policy Plan for the City Centre Sector;

(c) to achieve high intensity land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transit system;

(e) to locate car parking areas behind street front buildings;

(f) to provide contiguous, activated street front development;

(g) to promote active day and night time retail and social environments;

(h) to encourage development that will provide a high calibre model of sustainable, transit oriented development;”

Clause 4.3A.2 – Residential Design Codes Not to Apply

The Residential Design Codes (R-Codes) do not apply to development within the Primary Centre City Centre zone.

Clause 4.3A.3 – Minimum Residential Density

A minimum density of 1 dwelling per 125m² of land area is required in the Primary Centre City Centre zone. Based on a site area of 2,637m², a minimum of 21 dwellings is required. The development provides for a total of 62 apartment style dwellings, which complies with the minimum density requirements.

Clause 4.15 – Car parking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table 3 of TPS2.
In order for the development site to be considered as ‘Location A’ in terms of the R-Codes’ parking requirements, the site must be within 800m of a train station or 250m of a high frequency bus stop. The site is located 850m from the Rockingham Train Station and 280m from a high frequency bus stop. Given that the difference in distance is minimal, the parking rates for ‘Location A’ have been applied.

As established in the approved IDGP, the surrounding service road network and Lot 78 is intended to provide 275 reciprocal parking bays available for use by occupiers of lots located within the IDGP area (see Figure 4). The IDGP allocates parking bays at a rate of one parking bay per 45m² Gross Floor Area (GFA). The subject site has a GFA of 1,397m², meaning that a total of 31 parking bays are allocated to the subject site. These 31 bays are drawn from Lot 78 and the existing car parking bays in the surrounding road network. As the proposed development will remove 26 of these car bays, 26 bays will be subtracted from the number available to this development, leaving five in total.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Multiple Dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59 2 x 2 Bedrooms</td>
<td>1 / dwelling *</td>
<td>59</td>
</tr>
<tr>
<td>3 3 x 3 Bedrooms</td>
<td>1.25 / dwelling *</td>
<td>3.75</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>62.75</strong></td>
<td><strong>67^t</strong></td>
</tr>
<tr>
<td>Residential Visitor parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62 Dwellings</td>
<td>0.25 / dwelling *</td>
<td>16</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant (48 Patrons)</td>
<td>1 bay per 8 patrons</td>
<td>6</td>
</tr>
<tr>
<td>Office (103m²)</td>
<td>1 / 60m² NLA</td>
<td>1.71</td>
</tr>
<tr>
<td>Shop (163m²)</td>
<td>1 / 22m² NLA</td>
<td>7.4</td>
</tr>
<tr>
<td>Medical Centre (8 consultants)</td>
<td>3 bays per consultant</td>
<td>24</td>
</tr>
<tr>
<td>Office (264m²)</td>
<td>1 / 60m² NLA</td>
<td>4.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43.51</strong></td>
<td><strong>27^t</strong></td>
</tr>
<tr>
<td>Reciprocal parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation to site in</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>terms of IDGP</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>122.26</strong></td>
<td><strong>99^</strong></td>
</tr>
</tbody>
</table>

Notes:
* As per the R-codes, Location A.  ^ Includes one AS2890.6 spaces.
  † Includes tandem bays

There is a deficiency in the number of visitor bays and commercial parking bays proposed. Initially, a second level of parking, replicating the residential parking provided on the first floor of the southern building, was proposed. This was compliant with the car parking requirements of TPS2. The City’s Design Review Panel (DRP), however, in its review of proposal, recommended that this second level of parking be removed for the following reasons:

- There is a surplus of at grade parking available in the vicinity;
- Visitors to residential and commercial components of the development are unlikely to enter the secured basement parking and are more likely to avail of the existing surplus in the area;
The development is served well by good public transport links; and
Secure bicycle spaces and end of trip facilities will be provided.

Consequently, the 23 bay shortfall in parking was accepted by the City’s DRP and is supported by the City.

Parking provision for people with a disability is based on the Building Code of Australia (BCA) Requirements and the City’s Planning Procedure 1.16 – Car Parking and Access Considerations for people with Disability.

The development is comprised of a mixture of land uses with four different classifications under the BCA:

- Class 2 – Multiple Dwellings (no requirement for accessible bays);
- Class 5 – Office (1 space for every 50 carparking spaces or part thereof);
- Class 6 – Shops and Restaurant (1 space for every 50 carparking spaces or part thereof); and
- Class 9 – Medical Centre (1 space for every 50 carparking spaces or part thereof).

In terms of the BCA, each of the commercial land use classifications are required to provide one accessible bay per 50 car parking spaces. As there is a total of 43.51 bays require for all of the commercial land uses, it is appropriate to require one accessible bay for this development.

Clause 6.1 - Design Review Panel

Pursuant to Clause 6.1.1, the City has appointed a DRP for the purpose of considering, and advising Council, with respect to certain applications. Given the nature of the subject proposal, it was required to be referred to the City's DRP.

On 21 February 2018, an earlier version of the proposal was considered (at pre-lodgement stage) by the City’s DRP and supported subject to a number of modifications being made to the proposal including:

- Removal one level of above ground parking;
- Inclusion of deep planting areas in the linear park;
- Removal of void to pharmacy tenancy;
- Improvement and simplification of medical centre wall to linear park;
- Inclusion of gating security system to park;
- Inclusion of a bin store in each building;
- Formerly fixed vertical screens provided with the ability to slide;
- Reorientation of balconies towards central park;
- Relocation of residential entry in southern building towards the street; and
- Inclusion of occupier amenities space in northern building.

As these recommendations were incorporated into an amended design (being the subject application), it is not considered necessary to refer the item back to the DRP.

Pursuant to Clause 6.1.3, when dealing with applications on which a recommendation has been made by the City’s DRP, the decision-maker (SWJDAP) shall have due regard for that recommendation.

Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil
Comments

Carpark Management
The City has identified concerns with the gradient of the access ramp servicing the first floor carpark. The site constraints associated with this access preclude ramp widening to permit vehicles to pass while traversing the ramp. As such, a condition requiring an internal parking management system, to control safe access to the ramp, has been recommended. It is considered that this will involve signalisation and induction loops at the top and bottom of the ramp to warn vehicles of the presence of another vehicle on the ramp. It is acknowledged that the number of parking bays associated with this system is relatively low, suggesting minimal potential conflict. Also all users will be residents and will be familiar with the arrangement.

Waste Disposal
Two bin stores have been provided for the proposed development, however, no details on how waste will be managed has been supplied. Should the application be approved, it is recommended a condition be imposed requiring the preparation and implementation of a Waste Management Plan.

Lot Amalgamation
Given the development is proposed over two lots, they will need to be amalgamated.

Conclusion
The proposed development complies with the intent and objectives of the applicable planning framework and is considered to be suitable for its site and the locality.

It is therefore recommended that Council endorses the attached RAR requesting that the SWJDAP conditionally approve the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for the proposed mixed use development at Lots 61 and 62 Council Avenue, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.

Committee Recommendation

Moved Cr Sammels, seconded Cr Summers:

That Council ADOPTS the Responsible Authority Report for the application for the proposed mixed use development at Lots 61 and 62 Council Avenue, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to Approve the DAP Application reference DAP/18/01398 as detailed on the DAP Form 1 date 11 April 2018 and accompanying plans:

- Location Plan & Overshadowing, Drawing A2, dated 3.4.18
- Site Plan, Drawing A3, dated 23.5.18
- Ground Floor, Drawing A4, dated 23.5.18
- Basement, Drawing A5, dated 23.5.18
- Mezzanine, Drawing A6, dated 23.5.18
- First Floor, Drawing A7, dated 23.5.18
- Second to Fifth Floor, Drawing A8, dated 23.5.18
in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to clause 5.5.14 of the City of Rockingham Town Planning Scheme No. 2.

3. Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of Lot 61 Council Avenue, Rockingham and Lot 62 Council Avenue, Rockingham into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.

4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

5. Prior to applying for a Building Permit, plans must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be contained and disposed of on-site to the satisfaction of the City of Rockingham.

6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
   
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

   (ii) Any lawns to be established;

   (iii) Any natural landscape areas to be retained;

   (iv) Those areas to be reticulated or irrigated; and

   (v) The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study. The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

7. The car park(s) must:
   
   (i) provide a minimum of 94 parking spaces;

   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit.
(iii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;

(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and

(v) have lighting installed, prior to the occupation of the development.

The car park must comply with the above requirements for the duration of the development.

8. Prior to applying for a Building Permit the applicant must submit a Parking Control and Management Plan to the City of Rockingham for approval. The Parking Control and Management Plan must demonstrate:

(i) how resident, tenant and customer parking bays will be managed; and

(ii) that vehicles can access and egress the carparks and the building in a safe manner.

The Parking Control and Management Plan must be implemented for the duration of the development.

9. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, thirteen short-term bicycle parking spaces and six long-term bicycle parking spaces must be provided for the development.

The bicycle parking spaces must be designed in accordance with *AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities* and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.

10. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, two secure hot-water showers, change rooms and clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.

11. Prior to applying for a Building Permit, clothes drying facilities (excluding electric clothes dryers) shall be screened from view of any adjacent public road or internal access street.

These clothes drying facilities must be implemented as such for the duration of the development.

12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham

(i) the location of bin storage areas and bin collection areas;

(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;

(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and

(iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

13. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.
All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

14. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.

15. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting Council Avenue has a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from Council Avenue.

The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.

16. In accordance with the requirements of Planning Policy 3.2.1 – Development Policy Plan - City Centre Sector, entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the internal street, at all times.

17. All doors of the commercial tenancies facing the Council Avenue frontages of the building must be accessible to customers and not locked during all hours when the subject premises are trading.

18. Public or customer access must be from Council Avenue.

19. Above-ground meter boxes must not be located in a street setback area at any time.

20. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

21. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provide to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.

2. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.

3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

4. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham’s Land Development and Infrastructure Services to confirm requirements for landscaping plans.

5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham’s Engineering Services in this regard.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Preceding Page**

**Reference No & Subject:**
- File No: RDS/5-21
- Proponent/s: Mr Manoj Barua, Manager Engineering Services
- Author: Mr Sam Assaad, Director Engineering and Parks Services
- Other Contributors: 
- Date of Committee Meeting: 18 June 2018
- Disclosure of Interest: Executive/Advocacy

**Site:**
- Lot Area: 
- LA Zoning: 
- MRS Zoning: 
- Attachments: 
- Maps/Diagrams:
  - 1. Safety Bay Road/Baldivis Road Intersection Pedestrian Crossing
  - 2. Safety Bay Road/Baldivis Road Intersection Layout – Oct 2017
  - 3. South Western Quadrant; Footpath Development and Locations for Warden Controlled Crossings

**Purpose of Report**
To consider the outcomes of a report commissioned by the City to look into pedestrian (particularly school children) safety whilst crossing Safety Bay Road, Baldivis.

**Background**
At its meeting held 22 August 2017, Council resolved the following:

“That Council DIRECTS the Chief Executive Officer to undertake a needs analysis and costing study on all available options to assist with the safe crossing for pedestrians across Safety Bay Road, Baldivis and to provide the Council with that report as soon as practicable.”
The City engaged DVC Consultants to carry out an independent review of pedestrian safety along the section of Safety Bay Road just west of the Baldivis Road roundabout. The consultant also looked into the various options that could be implemented to improve the safety of pedestrians. This report was completed in December 2017.

Details

The consultant’s report includes a desktop study on the current road and pedestrian networks, traffic volumes and crash history. The consultant undertook site visits, video surveillance and deployed automated traffic counters to the site to gather current information and usage data. This information was used to analyse pedestrian and traffic movements against current standard pedestrian crossing warrants.

It was evident from the digital video analysis that very few pedestrians attempted to cross Safety Bay Road using existing crossing facilities near the Baldivis Road roundabout. Most – particularly students – are crossing in random locations further to the west.

1. Safety Bay Road/Baldivis Road Intersection Pedestrian Crossing

The consultant’s report refers to the area on the south western quadrant of the Safety Bay Road/Baldivis Road roundabout. This is called the ‘work site’ or ‘development site’. The area includes drainage soakage systems from the surrounding roads and other public services and contains a shortcut used by pedestrians between the end of Stillwater Drive and Safety Bay Road. The work-site and shortcut location is shown in Figure 2.

2. Safety Bay Road/Baldivis Road Intersection Layout - October 2017
A number of options were investigated by the consultant and the City has undertaken its own assessment these. The outcome of both the consultant review and City assessment is provided in the following table:

<table>
<thead>
<tr>
<th>Option</th>
<th>Option and purpose</th>
<th>Cost</th>
<th>Consultant Commentary</th>
<th>City Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Pedestrian Routing - direct and control pedestrian movements, by installing paths, fences, crossing points and lighting.</td>
<td>Dependent on length and type of barriers, indicative estimate is in the order of $200,000-300,000.</td>
<td>Pedestrian movements will need to follow footpaths, and the crossing movements should become focussed on the crossing points provided at the roundabout. Suitable barriers will need to be installed to ensure that pedestrians are guided to the appropriate crossing points.</td>
<td>This option does not fully address safety of school children who would still need to cross Safety Bay Road at the existing crossing points. The City feels that this would not achieve the objectives in that crossing at the Roundabout still puts school aged pedestrians at risk due to the volume of traffic and the road speed.</td>
</tr>
<tr>
<td>2.</td>
<td>Uncontrolled at-grade crossings – zebra crossing</td>
<td>N/A.</td>
<td>Highlights pedestrian crossing location for motorists. The location does not meet the warrants for a Zebra crossing.</td>
<td>This option will not be supported by Main Roads WA. See comments under ‘Implications to Consider’</td>
</tr>
<tr>
<td>3.</td>
<td>Controlled at-grade crossing – signal or warden controlled</td>
<td>Estimated to be in the order of $150-200,000.</td>
<td>These facilities give priority to the pedestrians meaning that drivers have a responsibility to stop to allow pedestrians and cyclists to cross the road. The warrants for the Warden controlled option has been met. The location of the crossing with regard to the roundabout approaches or exit lanes is critical if they are not to result in increased safety issues for both pedestrians and drivers.</td>
<td>Signal controlled crossing facilities are not supported by Main Roads WA, however a Warden controlled crossing has met the appropriate warrants and may be approved. The City has identified three schools who have students crossing Safety Bay Road in this location Baldivis Secondary College Rivergums Primary School Tranby College The application for a Warden controlled crossing needs to be made by the relevant schools and have the support of Council with the final determination made by the Children’s Crossing and Road Safety Committee.</td>
</tr>
</tbody>
</table>
### Planning and Engineering Services Committee Minutes
Monday 18 June 2018

<table>
<thead>
<tr>
<th>Option</th>
<th>Option and purpose</th>
<th>Cost</th>
<th>Consultant Commentary</th>
<th>City Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Grade separated crossing – bridge or underpass</td>
<td>Estimated in the order of $7M to $10M, excluding any ancillary improvements such as fences, path improvements or lighting.</td>
<td>Although adjacent development is generating higher numbers of crossing movements in coming years, this option is unlikely to be viable in the foreseeable future. There is insufficient demand or significant safety issues to justify this option. Perceptions of reduced security are also quoted especially in conjunction with underpasses or ‘subways’.</td>
<td>Main Roads WA experience is that grade separated infrastructure is not well utilised. A minimum requirement to increase use would be through the installation of barriers, however pedestrians often avoid these due to the extra distance and effort involved, continuing to cross at grade. Initial review indicates that the Benefit Cost Ratio for this option is too low to receive grant funding.</td>
</tr>
<tr>
<td>5.</td>
<td>Conversion of roundabout to traffic signals</td>
<td>N/A.</td>
<td>Pedestrian at grade crossing facilities could be achieved by converting the roundabout to traffic signals. Main Roads’ current policy is significantly biased towards the installation of roundabouts in preference to traffic signals, at the present time and would only support this option if it could be shown to offer substantial improvements to the current situation either in terms of safety or operational efficiency.</td>
<td>The City assessment confirms that there are insufficient improvements to encourage Main Roads WA to support this option. See comments under ‘Implications to Consider’</td>
</tr>
</tbody>
</table>

On the basis of the consultant’s comments and the assessment undertaken by the City, Options 2 and 5 are unlikely to receive support from Main Roads WA and have been excluded from further consideration.

Option 4 is likely to be outside the City’s capacity to fund and is unlikely to receive support from State or Federal funding bodies due to the low Benefit Cost Ratio. Advice from Main Roads WA is that grade separated crossings are not well utilised by pedestrians and should be avoided.

Option 1, although improving safety in general by directing pedestrians to existing crossing points, still requires school children to cross Safety Bay Road at a location where the risks are unmanaged.

For the above reasons, the City supports Option 3 as the most effective solution to providing appropriate facilities to assist with school age pedestrians crossing Safety Bay Road.

The pedestrian link should be formed using a combination of formal paths and warden controlled children’s crossing. This path link will require appropriate design works to be undertaken. A conceptual location is shown in Figure 3.

The application for Warden Controlled crossings needs to be made by the relevant school(s) and submitted to the Children’s Crossing and Road Safety Committee (CCRSC). The final locations for these crossing points would be assessed by CCRSC using a number of set criteria. This will inform the final location of the connecting paths and the budget requirements.
3. South Western Quadrant; Footpath Development and Proposed Locations for Warden Controlled Crossings

**Implications to Consider**

a. **Consultation with the Community**
   The City has approached the following schools in relation to a combined application for Warden Controlled crossing of both Baldivis Road and Safety Bay Road.
   - Baldivis Secondary College
   - Rivergums Primary School
   - Tranby College

   Tranby College advised that they are not interested in participating in this process, however the other schools have commenced undertaking the necessary surveys to inform the application.

b. **Consultation with Government Agencies**
   Discussions have been held with Main Roads WA which identified that the following options were unlikely to receive their support:
   1. The conversion of the Safety Bay Road/Baldivis Road roundabout to a signalized intersection.
   2. The installation of uncontrolled or signal controlled crossing points on Safety Bay Road at this locality.

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
Aspiration C: Quality Leadership

Strategic Objective: Infrastructure – Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practices principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. Policy
Nil

e. Financial
The conceptual path connection including the warden controlled children’s crossing and other ancillary works has been reviewed by the City and it is estimated to cost in the range of $150,000-200,000.

This estimate will be subject to detailed design when the Children’s Crossing and Road Safety Committee have approved the application and detailed the final crossing locations. The City would fund this work from existing budgets for traffic management improvements, new footpath links and lighting upgrades.

f. Legal and Statutory
Nil

Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The consultant’s report and City assessment identified that the only realistic option for resolving the concerns of the community is for the installation of Warden controlled crossings on Baldivis Road and Safety Bay Road.

This option will require the City to fund the infrastructure including paths and other ancillary works.

The application for warden controlled children’s crossings on Safety Bay Road and Baldivis Road will need to be completed by the Baldivis Secondary College and Rivergums Primary School. The City is working with both schools in developing the application at which time the schools submit it to the Children’s Crossing and Road Safety Committee (CCRSC). The CCRSC makes the final decision in regards to the application and the locations of the crossings. Once approved by the CCRSC, design and construction of the facility is the responsibility of the City with the installation of line marking and signage completed by MRWA.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ENDORSES** Option 3 - Warden Controlled Crossing for the improvement of pedestrian safety in this location.

2. **SUPPORTS** the application by Baldivis Secondary College and Rivergums Primary School for warden controlled children’s crossings on Baldivis Road and Safety Bay Road to improve safety for school students at these locations.
<table>
<thead>
<tr>
<th>Committee Recommendation</th>
</tr>
</thead>
</table>

Moved Cr Whitfield, seconded Cr Hamblin:
That Council:

1. **ENDORSES** Option 3 - Warden Controlled Crossing for the improvement of pedestrian safety in this location.
2. **SUPPORTS** the application by Baldivis Secondary College and Rivergums Primary School for warden controlled children’s crossings on Baldivis Road and Safety Bay Road to improve safety for school students at these locations.

Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
</table>

Not Applicable

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
</table>

Not Applicable
<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>EP-008/18 Tender T17/18-66 - Standing Offer for Laying of Asphalt and Associated Works</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>T17/18-66</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Mr Aulad Hossain, Civil Maintenance Supervisor</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Om Gupta, Coordinator Maintenance and Operations</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>18 June 2018</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Executive</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Purpose of Report

Provide Council with details of the tenders received for Tender T17/18-66 – Standing Offer for Laying of Asphalt and Associated Works, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

Tender T17/18-66 – Standing Offer for Laying of Asphalt and Associated Works was advertised in the West Australian on Saturday, 7 April 2018. The tender closed at 2.00pm, Thursday, 26 April 2018 and was publicly opened immediately after the closing time.

### Details

The scope of the contract is for the standing offer for the supply and laying of hot asphalt, minor concrete kerbing and minor drainage works. The period of the contract shall be from 1 July 2018 until 30 June 2021.
Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads 2000 Pty Ltd</td>
</tr>
<tr>
<td>Asphalttech Pty Ltd</td>
</tr>
<tr>
<td>Civcon Civil &amp; Project Management Pty Ltd</td>
</tr>
<tr>
<td>Fulton Hogan Industries Pty Ltd</td>
</tr>
<tr>
<td>Boral Resources WA Ltd</td>
</tr>
<tr>
<td>Downer EDI Works Pty Ltd</td>
</tr>
<tr>
<td>KEE Surfacing Pty Ltd</td>
</tr>
</tbody>
</table>

A panel nominated by the Director Engineering and Parks Services, and comprising of Manager Engineering Services, Coordinator Maintenance and Operations and Civil Maintenance Supervisor undertook the tender evaluation.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>40 Pts</td>
<td>20 Pts</td>
<td>100 Pts</td>
</tr>
<tr>
<td>Roads 2000 Pty Ltd</td>
<td>35.0</td>
<td>15.8</td>
<td>35.1</td>
<td>85.9</td>
</tr>
<tr>
<td>Asphalttech Pty Ltd</td>
<td>32.5</td>
<td>10.6</td>
<td>24.4</td>
<td>67.5</td>
</tr>
<tr>
<td>Civcon Civil &amp; Project Management Pty Ltd</td>
<td>20.1</td>
<td>6.3</td>
<td>27.1</td>
<td>53.5</td>
</tr>
<tr>
<td>Fulton Hogan Industries Pty Ltd</td>
<td>36.0</td>
<td>14.2</td>
<td>28.2</td>
<td>78.4</td>
</tr>
<tr>
<td>Boral Resources WA Ltd</td>
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<td>17.5</td>
<td>38.1</td>
<td>90.6</td>
</tr>
<tr>
<td>Downer EDI Works Pty Ltd</td>
<td>37.3</td>
<td>17.7</td>
<td>37.7</td>
<td>92.7</td>
</tr>
<tr>
<td>KEE Surfacing Pty Ltd</td>
<td>23.8</td>
<td>6.3</td>
<td>29.7</td>
<td>59.8</td>
</tr>
</tbody>
</table>

**Implications to Consider**

a. **Consultation with the Community**
   Not Applicable

b. **Consultation with Government Agencies**
   Not Applicable

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration C:** Quality Leadership
   **Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. **Policy**
   In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).
e. **Financial**

Expenditure in accordance with the City’s Annual Budgets.

Historical expenditure for 2016/2017 was $5,143,750 and 2017/2018 up to May was $4,722,817.

f. **Legal and Statutory**


‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

g. **Risk**

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

**Comments**

Tender submissions varied in the depth and details of the qualitative criteria information received demonstrating different levels of capability to undertake the contract requirements.

The two qualitative criteria, Level of Service and Tender Understanding are assessed on a wide range of factors including

- Industry experience, both as an organisation and personnel
- Provision of dedicated project and site supervision.
- OSH systems, accreditation and safety record.
- Quality System and accreditation
- Customer service practices and record
- Traffic management expertise.
- Use of in-house vs subcontract labour and plant.
- Timeframe to supply and deliver.
- Location of asphalt plant (quality of materials is affected over longer distances)

Following consideration of the submissions in accordance with the tender assessment criteria, Downer EDI Works Pty Ltd represents the best value to the City and is therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the tender submitted from Downer EDI Works Pty Ltd, 5 Marion Road, Maddington, WA 6109 for Tender T17/18-66 – Standing Offer for the Laying of Asphalt and Associated Works in accordance with the tender documentation for the contract period 1 July 2018 to 30 June 2021.
Committee Recommendation

Moved Cr Sammels, seconded Cr Summers:

That Council ACCEPTS the tender submitted from Downer EDI Works Pty Ltd, 5 Marion Road, Maddington, WA 6109 for Tender T17/18-66 – Standing Offer for the Laying of Asphalt and Associated Works in accordance with the tender documentation for the contract period 1 July 2018 to 30 June 2021.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>EP-009/18 Tender T17/18-67 – Standing Offer for Road Surface Profiling and Side Paving</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>T17/18-67</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Mr Aulad Hossain, Civil Maintenance Supervisor</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Om Gupta, Coordinator Maintenance and Operations</td>
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<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td></td>
</tr>
</tbody>
</table>

| **Site:** |                                                                                  |
| **Lot Area:** |                                                                                  |
| **LA Zoning:** |                                                                                  |
| **MRS Zoning:** |                                                                                  |
| **Attachments:** |                                                                                  |
| **Maps/Diagrams:** |                                                                                  |

**Purpose of Report**

Provide Council with details of the tenders received for Tender T17/18-67 - Standing Offer for Road Surface Profiling and Side Paving, document the results of the tender assessment and make recommendations regarding award of the tender.

**Background**

Tender T17/18-67 - Standing Offer for Road Surface Profiling and Side Paving was advertised in the West Australian on Saturday, 24 March 2018. The tender closed at 2.00pm, Wednesday, 11 April 2018 and was publicly opened immediately after the closing time.

**Details**

The scope of the contract is to undertake road surface profiling and side paving works. The period of the contract shall be from 1 July 2018 until 30 June 2021.
Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dowsing Group Pty Ltd</td>
</tr>
<tr>
<td>WA Profiling Pty Ltd</td>
</tr>
<tr>
<td>WestCoast Profilers Pty Ltd</td>
</tr>
<tr>
<td>Kee Surfacing Pty Ltd</td>
</tr>
</tbody>
</table>

A panel nominated by the Director Engineering and Parks Services, and comprising of Manager Engineering Services, Coordinator Maintenance and Operations and Civil Maintenance Supervisor undertook tender evaluation.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
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<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dowsing Group Pty Ltd</td>
<td>23.5</td>
<td>9.7</td>
<td>36.3</td>
<td>69.5</td>
<td></td>
</tr>
<tr>
<td>WA Profiling Pty Ltd</td>
<td>33.7</td>
<td>16.0</td>
<td>33.5</td>
<td>83.2</td>
<td></td>
</tr>
<tr>
<td>WestCoast Profilers Pty Ltd</td>
<td>35.8</td>
<td>17.0</td>
<td>29.1</td>
<td>81.9</td>
<td></td>
</tr>
<tr>
<td>Kee Surfacing Pty Ltd</td>
<td>26.2</td>
<td>11.7</td>
<td>31.1</td>
<td>69.0</td>
<td></td>
</tr>
</tbody>
</table>

**Implications to Consider**

a. **Consultation with the Community**
   Not Applicable

b. **Consultation with Government Agencies**
   Not Applicable

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration C:** Quality Leadership
   
   **Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. **Policy**
   In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. **Financial**
   Expenditure in accordance with the City’s Annual Budgets.
   Historical expenditure for 2016/2017 was $1,214,996 and 2017/2018 up to May was $1,101,972.

f. **Legal and Statutory**
'Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise'.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

Tender submissions varied in the depth and details of the qualitative criteria information received demonstrating different levels of capability to undertake the contract requirements.

WestCoast Profilers Pty Ltd has listed a qualification regarding mobilisation charges under contractors/suppliers concern. The City’s tender assessment panel sought clarification from WestCoast Profilers Pty Ltd. The written response received from WestCoast Profilers Pty Ltd clarified the panel’s concerns regarding the method of calculating mobilisation charges.

The two qualitative criteria, Level of Service and Tender Understanding are assessed on a wide range of factors including

- Industry experience, both as an organisation and personnel
- Provision of dedicated project and site supervision.
- OSH systems, accreditation and safety record.
- Quality System and accreditation
- After sales customer service and record
- Traffic management expertise.
- Use of in-house vs subcontract labour and plant.
- Timeframe to supply and deliver.

Following consideration of the submissions in accordance with the tender assessment criteria, WA Profiling Pty Ltd represents best value to the City and is therefore recommended as the preferred tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPTS the tender submitted from WA Profiling Pty Ltd, 26 Colin Jamieson Drive, Welshpool, WA 6106 for Tender T17/18-67 - Standing Offer for Road Surface Profiling and Side Paving in accordance with the tender documentation for the contract period 1 July 2018 to 30 June 2021.

Committee Recommendation

Moved Cr Sammels, seconded Cr Summers:

That Council ACCEPTS the tender submitted from WA Profiling Pty Ltd, 26 Colin Jamieson Drive, Welshpool, WA 6106 for Tender T17/18-67 - Standing Offer for Road Surface Profiling and Side Paving in accordance with the tender documentation for the contract period 1 July 2018 to 30 June 2021.

Committee Voting – 5/0
The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Reference No & Subject: EP-010/18 Tender T17/18-53 - Standing Offer for the Hire of Road Construction Plant and Trucks

File No: T17/18-53

Proponent/s: Mr Darren Dropulich, Construction Engineer

Author: Mr Manoj Barua, Manager Engineering Services

Other Contributors:

Date of Committee Meeting: 18 June 2018

Previously before Council: 18 June 2018

Disclosure of Interest: Executive

Nature of Council’s Role in this Matter:

Site:

Lot Area:

LA Zoning:

MRS Zoning:

Attachments:

Maps/Diagrams:

Purpose of Report

Provide Council with details of the tenders received for Tender T17/18-53 - Standing Offer for the Hire of Road Construction Plant and Trucks, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T17/18-53 - Standing Offer for the Hire of Road Construction Plant and Trucks was advertised in the West Australian on Saturday, 21 April 2018 and in the Sound Telegraph on Wednesday, 25 April 2018. The tender closed at 2.00pm, Wednesday, 9 May 2018 and was publicly opened immediately after the closing time.

Details

The scope of the contract is for the wet (plant with operator) or dry (only plant without operator) period hire of road construction plant and trucks.

The period of the contract shall be from the date of award until 30 June 2021 (3 years).

The Director Engineering and Parks Services appointed a tender assessment panel comprising of Manager Engineering Services, Construction Engineer and Civil Construction Supervisor.
The City has received a total of 10 tender submissions. The pricing schedule submitted by Coates Hire Operations Pty Ltd was not completed correctly. The assessment panel therefore deemed the tender submission to be non-conforming.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, was undertaken on an Category-by-Category basis. Since all tenderers did not provide prices for all Categories of plants, Administration has developed 11 categories for assessing the submissions. Each category comprises similar types of plant for ease of assessments and tender execution. The assessment has produced the following weighted scores:

**Category 1 - Backhoe Loaders**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>25 Pts</td>
<td>35 Pts</td>
<td>40 Pts</td>
</tr>
<tr>
<td>Brooks Hire Service Pty Ltd</td>
<td>22</td>
<td>30</td>
<td>33.1</td>
<td>85.1</td>
</tr>
<tr>
<td>Consolidated Group Rentals</td>
<td>19</td>
<td>25</td>
<td>32.6</td>
<td>76.6</td>
</tr>
<tr>
<td>Chivas Enterprises</td>
<td>13</td>
<td>9</td>
<td>40.0</td>
<td>62.0</td>
</tr>
</tbody>
</table>

**Category 2 - Graders**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>25 Pts</td>
<td>35 Pts</td>
<td>40 Pts</td>
</tr>
<tr>
<td>Brooks Hire Service Pty Ltd</td>
<td>22</td>
<td>30</td>
<td>31.0</td>
<td>83.0</td>
</tr>
<tr>
<td>Consolidated Group Rentals</td>
<td>19</td>
<td>25</td>
<td>34.6</td>
<td>78.6</td>
</tr>
<tr>
<td>Sherrin Rentals Pty Ltd</td>
<td>21</td>
<td>31</td>
<td>16.5</td>
<td>68.5</td>
</tr>
<tr>
<td>Chivas Enterprises</td>
<td>13</td>
<td>9</td>
<td>40.0</td>
<td>62.0</td>
</tr>
<tr>
<td>Kee Hire Pty Ltd</td>
<td>12</td>
<td>17</td>
<td>21.5</td>
<td>50.5</td>
</tr>
</tbody>
</table>

**Category 3 - Mini and Skid Steer Loaders**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>25 Pts</td>
<td>35 Pts</td>
<td>40 Pts</td>
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<td>25</td>
<td>40.0</td>
<td>84.0</td>
</tr>
<tr>
<td>Platinum Plant &amp; Equipment Hire Pty Ltd</td>
<td>21</td>
<td>24</td>
<td>26.2</td>
<td>71.2</td>
</tr>
<tr>
<td>Brooks Hire Service Pty Ltd</td>
<td>22</td>
<td>30</td>
<td>14.2</td>
<td>66.2</td>
</tr>
<tr>
<td>Tutt Bryant Hire</td>
<td>19</td>
<td>25</td>
<td>19.0</td>
<td>63.0</td>
</tr>
<tr>
<td>JSB Fencing and Machinery Hire</td>
<td>16</td>
<td>23</td>
<td>21.4</td>
<td>60.4</td>
</tr>
<tr>
<td>Sherrin Rentals Pty Ltd</td>
<td>21</td>
<td>31</td>
<td>6.4</td>
<td>58.4</td>
</tr>
<tr>
<td>Chivas Enterprises</td>
<td>13</td>
<td>9</td>
<td>33.3</td>
<td>55.3</td>
</tr>
<tr>
<td>Kee Hire Pty Ltd</td>
<td>12</td>
<td>17</td>
<td>17.6</td>
<td>46.6</td>
</tr>
</tbody>
</table>

**Category 4 - Wheeled, 4 Wheel Drive Loaders**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>25 Pts</td>
<td>35 Pts</td>
<td>40 Pts</td>
</tr>
<tr>
<td>Brooks Hire Service Pty Ltd</td>
<td>22</td>
<td>30</td>
<td>32.3</td>
<td>84.3</td>
</tr>
<tr>
<td>Tutt Bryant Hire</td>
<td>19</td>
<td>25</td>
<td>40.0</td>
<td>84.0</td>
</tr>
<tr>
<td>Consolidated Group Rentals</td>
<td>19</td>
<td>25</td>
<td>33.6</td>
<td>77.6</td>
</tr>
</tbody>
</table>
### Assessment Criteria

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores 100 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 Pts</td>
<td>35 Pts</td>
<td>40 Pts</td>
<td></td>
</tr>
</tbody>
</table>

**Category 5 - Multi-Tyred Rollers**

| JSB Fencing and Machinery Hire | 16 | 23 | 32.1 | 71.1 |
| Sherrin Rentals Pty Ltd | 21 | 31 | 9.2 | 61.2 |
| Platinum Plant & Equipment Hire Pty Ltd | 21 | 24 | 13.0 | 58.0 |
| Chivas Enterprises | 13 | 9 | 35.7 | 57.7 |
| Kee Hire Pty Ltd | 12 | 17 | 21.4 | 50.4 |

**Category 6 - Static Rollers - Three Point Steel Wheel**

| Brooks Hire Service Pty Ltd | 22 | 30 | 27.7 | 79.7 |
| Consolidated Group Rentals | 19 | 25 | 26.7 | 70.7 |
| Sherrin Rentals Pty Ltd | 21 | 31 | 15.4 | 67.4 |
| Chivas Enterprises | 13 | 9 | 35.9 | 57.9 |
| Kee Hire Pty Ltd | 12 | 17 | 14.1 | 43.1 |

**Category 7 - Vibrating Rollers - Padfoot and Smooth**

| Tutt Bryant Hire | 19 | 25 | 40.0 | 84.0 |
| Brooks Hire Service Pty Ltd | 22 | 30 | 34.2 | 86.2 |
| Consolidated Group Rentals | 19 | 25 | 19.8 | 63.8 |
| Chivas Enterprises | 13 | 9 | 36.6 | 58.6 |
**Category 8 - Water Carts/Water Trucks**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
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<tbody>
<tr>
<td></td>
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<td>25 Pts</td>
<td>35 Pts</td>
<td>40 Pts</td>
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<td>25</td>
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<tr>
<td>JSB Fencing and Machinery Hire</td>
<td>16</td>
<td>23</td>
<td>32.6</td>
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<tr>
<td>Platinum Plant &amp; Equipment Hire Pty Ltd</td>
<td>21</td>
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<tr>
<td>Sherrin Rentals Pty Ltd</td>
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<tr>
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<td>22.2</td>
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**Category 9 - Excavators Crawler Mounted Backhoe**

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<th>Assessment Criteria</th>
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<th>Tendered Price/s</th>
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<td>5.4</td>
<td>57.4</td>
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<tr>
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<td>24.5</td>
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**Category 10 - Small Trucks**

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<td>Max. Points</td>
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<td>35 Pts</td>
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**Category 11 - Large Trucks**

<table>
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<tr>
<th>Assessment Criteria</th>
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</tr>
<tr>
<td>Kee Hire Pty Ltd</td>
<td>12</td>
<td>17</td>
<td>8.3</td>
<td>37.3</td>
</tr>
</tbody>
</table>
The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth, Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

**Implications to Consider**

a. **Consultation with the Community**
   
   Nil

b. **Consultation with Government Agencies**
   
   Nil

c. **Strategic**

   **Community Plan**
   
   This Category addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration C:** Quality Leadership
   
   **Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. **Policy**

   In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. **Financial**

   **Period Tenders**
   
   Capital works expenditure will be in accordance with the City's Business Plan and operational expenditure will be in accordance with the Engineering and Parks operations and maintenance budgets as allocated in the 2018/19 - 2020/21 operational budgets.

f. **Legal and Statutory**


   ‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

g. **Risk**

   All Council decisions are subject to risk assessment according to the City's Risk Framework.

   Implications and comment will only be provided for the following assessed risks.

   *Customer Service / Project management / Environment: High and Extreme Risks
   *Finance / Personal Health and Safety: Medium, High and Extreme Risks

   Nil

**Comments**

Following consideration of the submissions in accordance with the tender assessment criteria, all companies demonstrated a capacity to provide the services for the Categories tendered under Price Schedule 4.3.1 Plant Hire. As the tender was assessed on a Category-by-Category basis, the following tenderers, however, represent the best value to the City and are recommended as the preferred tenderers for the nominated Categories below:
- Brooks Hire Service Pty Ltd for Backhoe / Loader (Category 1), Graders (Category 2), Loaders - Wheeled, 4 Wheel Drive (Categories 5 and 6) and Static Rollers - Three Point Steel Wheel (Category 8).
- Consolidated Group Rentals for Loaders - Mini and Skid Steer (Categories 3 and 4), Water Carts/Water Trucks (Categories 11 and 12), Excavators Crawler Mounted Backhoe (Categories 13, 14, 15 and 16), Small Trucks (Categories 17, 18 and 19) and Large Trucks (Categories 20, 21 and 22).
- Tutt Bryant Hire for Rollers - Multi-Tyred (Category 7) and Vibrating Rollers - Padfoot and Smooth (Categories 9 and 10).

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ACCEPTS** the tender submitted by Brooks Hire Service Pty Ltd, 30 Coulson Way, Canning Vale WA 6155 for Price Schedule 4.3.1 Plant Hire; for the provision of Backhoe/Loader (Category 1), Graders (Category 2), Loaders - Wheeled, 4 Wheel Drive (Categories 5 and 6) and Static Rollers - Three Point Steel Wheel (Category 8).

2. **ACCEPTS** the tender submitted by Consolidated Group Rentals, 12 Meadow Court, Cooloongup WA 6168 for Price Schedule 4.3.1 Plant Hire; for the provision of Loaders - Mini and Skid Steer (Categories 3 and 4), Water Carts/Water Trucks (Categories 11 and 12), Excavators Crawler Mounted Backhoe (Categories 13, 14, 15 and 16), Small Trucks (Categories 17, 18 and 19) and Large Trucks (Categories 20, 21 and 22).

3. **ACCEPTS** the tender submitted by Tutt Bryant Hire, 1 Thorpe Way, Kwinana Beach WA 6167 for Price Schedule 4.3.1 Plant Hire; for the provision of Rollers - Multi-Tyred (Category 7) and Vibrating Rollers - Padfoot and Smooth (Categories 9 and 10).

for Tender T17/18-53 - Standing Offer for the Hire of Road Construction Plant and Trucks in accordance with the tender documentation for the contract period being from date of award to 30 June 2021.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Summers:

That Council:

1. **ACCEPTS** the tender submitted by Brooks Hire Service Pty Ltd, 30 Coulson Way, Canning Vale WA 6155 for Price Schedule 4.3.1 Plant Hire; for the provision of Backhoe/Loader (Category 1), Graders (Category 2), Loaders - Wheeled, 4 Wheel Drive (Categories 5 and 6) and Static Rollers - Three Point Steel Wheel (Category 8).

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for Tender T17/18-53 - Standing Offer for the Hire of Road Construction Plant and Trucks in accordance with the tender documentation for the contract period being from date of award to 30 June 2021.
<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
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### Planning and Engineering Services Committee Minutes

**Monday 18 June 2018**

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 JULY 2018

<p>| | |</p>
<table>
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<tr>
<td>13.</td>
<td><strong>Reports of Councillors</strong></td>
</tr>
<tr>
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<td>14.</td>
<td><strong>Addendum Agenda</strong></td>
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### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-029/18 Notice of Motion - Karnup Locality Boundary</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/405-02</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Mark Jones</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning Mrs Sharon Peacock, Senior Planning Administration Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 June 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Various</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Approximately 146ha</td>
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<tr>
<td>LA Zoning:</td>
<td>Development; Parks and Recreation; Railways</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban; Parks and Recreation; Railways; Other Regional Roads</td>
</tr>
</tbody>
</table>
| Attachments:            | 1. Option One (Merge)  
                        2. Option Two (Status Quo)  
                        3. Option Three (Rename)  
                        4. Letter from Paul Papalia MLA to Cr Jones  
                        5. Letter from Hon. Minister for Transport; Planning; Lands |
| Maps/Diagrams:         | Location Plan                                       |

#### Purpose of Report

To provide Officer comment and advice on Cr Jones’ Notice of Motion submitted for consideration at the May 2018 meeting of Council, as follows:

*That Council SUPPORTS three options (maps attached) being explored in relation to the Singleton/Karnup locality boundary changes as follows:*
(a) **Option One** - (Merge) the land known as “Vista Private Estate”, including the area bounded by Mandurah Road, Paganoni Road, Mandurah Railway line and the City of Rockingham district boundary being included in the suburb of “Singleton”, or

(b) **Option Two** - (Status Quo) the land known as “Vista Private Estate”, including the area bounded by Mandurah Road, Paganoni Road, Railway line and the City of Rockingham district boundary as shown on the attached map remaining as “Karnup”; or

(c) **Option Three** - (Rename) the land known as “Vista Private Estate”, including the area east of Mandurah Road, south of Paganoni Road, west of the Kwinana Freeway and to the southern boundary of the City of Rockingham, being included in the new locality of “Paganoni.”

Subject to public consultation with the following:

(a) A preferential vote being carried out to all affected owners and residents within the “Vista Private Estate” and east of Mandurah Road via letter with self-replied envelopes;

(b) Rockingham District Historical Society Inc; and

(c) Singleton Residents Association.”

---

**Background**

In August 2016, the City received an enquiry from a resident of the ‘Vista Private Estate’ seeking clarification of the Singleton/Karnup locality boundary. The resident believed that their property was situated within Singleton given that the estate was promoted as ‘Vista Singleton Beach’, however, upon receiving the property title discovered they were a part of the Karnup locality.

The City subsequently sought advice from the Geographic Names Committee (GNC) with regards to the possibility of extending the locality of Singleton to the east of Mandurah Road to include the land known as the ‘Vista Private Estate’. The GNC considered the proposal to be non-compliant with the Policies and Standards for Locality Boundaries and recommended that a new locality be created. The resident was advised and no further action was taken.

In November 2017, this matter was brought to the attention of Landgate by the Hon Paul Papalia MLA, Member for Warnbro, on behalf of a constituent. This matter was then discussed by the GNC at its September Meeting, for information purposes only.

In April 2018, the Minister for Lands advised the Hon. Paul Papalia that the request to rename the locality of Karnup had been reconsidered and advised as follows (extracts of main points below):

“There is currently insufficient support to consider any amendments to the locality of Karnup.”
I note that a suburb rename request is a major undertaking and usually originates from the local government based on extensive community support and consultation.

Given there were 440 dwellings in Karnup and 400 occupied dwellings in the area of Vista Estate, any renaming could have caused considerable inconvenience and expense to residents and businesses”.

The Minister concluded that the renaming of suburbs is the responsibility of Local Government, and encouraged constituents to contact the City in regard to the proposed renaming and to gauge community sentiment through wider consultation.

In May 2018, the City received further advice from the GNC reiterating the Ministers’ opinion that the boundary of Singleton should not be moved, however, the GNC was receptive to applying a new name to a portion of Karnup to create a distinction from a rural locality to an urban locality. The GNC advised that the proposal will be considered in accordance with full community consultation and overwhelming support.

To date, the GNC has received two requests from residents of the ‘Vista Private Estate’ seeking a locality name change, one of which was selling and consequently withdrew the request.

Details

The reasons given for the Notice of Motion by Cr Jones are listed below:

“The Vista Estate is a residential development with approximately 400 dwellings located directly east of Singleton, but currently located within the locality of Karnup. Many residents have expressed frustrations with higher insurance premiums and issues getting items delivered to their house due to being located within Karnup as it is classified rural by many companies and agencies.

Paul Papalia, MLA has written to the Minister for Lands, Rita Saffioti MLA on two occasions requesting that the Vista Private Estate be included within the locality of Singleton. This has not been supported due to the current boundary with Mandurah Road and that the renaming of localities is the responsibility of local government. The Minister has recommended that the City gauge community sentiment through wider consultation.

The estate has greater synergy and is in closer proximity with Singleton than other populated areas of Karnup. As a further option, the Geographic Names Committee has recommended that new locality be created to the east of Mandurah Road, which would reduce the current size of Karnup locality and distinguish the newer residential lots from the semi-rural lots. Paganoni seems an appropriate name for the new area due to the road name and swamp. Paganoni was an early landowner in the area.”

Implications to Consider

a. Consultation with the Community

Extensive consultation with the affected residents, ratepayers and/or businesses is required to be undertaken in accordance with the Policies and Standards for Geographic Naming in Western Australia.

b. Consultation with Government Agencies

Support of the GNC is required in relation to amendments to locality boundaries.

c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

- **Aspiration D:** Sustainable Environment
- **Strategic Objective:** Land Use and Development Control – Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
d. Policy
Policies and Standards for Geographical Naming in Western Australia (GNC Criteria)
The City is guided by the GNC Policy in the respect to the renaming of Localities.

e. Financial
The expected cost of undertaking community consultation and reporting the survey outcomes is approximately $3,500, which is inclusive of City Officer time preparing, printing and posting the survey mail out, responding to public enquiries and reporting the outcomes back to Council.

f. Legal and Statutory
In accordance with the Land Administration Act 1997, the Minister for Lands has the authority for officially naming and un-naming all locality and other administrative boundaries in Western Australia.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.
Implications and comment will only be provided for the following assessed risks.
Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks
Nil

Comments
The Minister has indicated that the relocation of the Singleton boundary will require significant community support. Given that there has been only two requests from the 440 dwellings within the ‘Vista Private Estate’ indicates that any locality name change is not a priority within the local community.

The GNC has advised that it does not support the relocation of the Singleton boundary as it is considered to be non-compliant with its Policies. In this regard, Mandurah Road provides a physical distinction between the localities of Singleton and Karnup which is consistent with a national approach and the current Policies and Standard for Geographical Naming in Western Australia.

Further, the portion of land in question (‘Vista Private Estate’) does not meet the necessary lot and size requirements, to create a new locality (i.e. ‘Paganoni’). There are approximately 500 lots within the ‘Vista Private Estate’, with 440 of those occupied, and the total area is 90ha. As a minimum requirement, the GNC recommend that localities comprise at least 1,000 lots and be a minimum size of 100ha.

There will also be a substantial impact to affected residents and landowners, including cost implications and the possibility of disruptions to services causing a nuisance, should a locality name change occur. As per the GNC change of address checklist, there are potentially a minimum of 14 Government and 18 Non-Government organisations which will require to be informed by the residents of a change to their address.

In light of the above, the likelihood of a locality change under any option is considered to be minimal and there appears to be little value in the City expending the considerable resources necessary to consult with the affected landowners. Higher insurance premiums and issues getting deliveries referred to in the reasons given for the Notice of Motion are not relevant GNC considerations in the determination of a locality boundary change.

The Notice of Motion is not supported.

Voting Requirements
Simple Majority

Officer Recommendation
That Council NOT SUPPORT Cr Jones’ Notice of Motion.
Notice of Motion from Cr Mark Jones

That Council: “That Council SUPPORTS three options (maps attached) being explored in relation to the Singleton/Karnup locality boundary changes as follows:

(a) Option One - (Merge) the land known as “Vista Private Estate”, including the area bounded by Mandurah Road, Paganoni Road, Mandurah Railway line and the City of Rockingham district boundary being included in the suburb of “Singleton”, or

(b) Option Two - (Status Quo) the land known as “Vista Private Estate”, including the area bounded by Mandurah Road, Paganoni Road, Railway line and the City of Rockingham district boundary as shown on the attached map remaining as “Karnup”; or

(c) Option Three - (Rename) the land known as “Vista Private Estate”, including the area east of Mandurah Road, south of Paganoni Road, west of the Kwinana Freeway and to the southern boundary of the City of Rockingham, being included in the new locality of “Paganoni.”

Subject to public consultation with the following:

(a) A preferential vote being carried out to all affected owners and residents within the “Vista Private Estate” and east of Mandurah Road via letter with self-replied envelopes;

(b) Rockingham District Historical Society Inc; and

(c) Singleton Residents Association.”

Committee Recommendation

Moved Cr Whitfield, seconded Cr Summers:

That Council NOT SUPPORT Cr Jones’ Notice of Motion.

Committee Voting – 4/1

(Cr Hamblin voted against)

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Reference No & Subject:**
PD-030/18 Notice of Motion - Cape Peron

**Proponent/s:**
Cr Joy Stewart

**Author:**
Mr Peter Ricci, A/Director Planning and Development Services

**Other Contributors:**
18 June 2018

**Previously before Council:**
May 2018 (PD-022/18)

**Disclosure of Interest:**
Advocacy

**Site:**
Cape Peron – Lot 4319 Boundary Road; Lots 700 and 1786 Hymus Street; Lots 2055 and 4357 Safety Bay Road; Lots 1, 2, 3, 5, 301, 303, 500, 501, 2058, 2152, 2956, 2193, 2196, 2301, 2328, 2733, 2374, 2642, 2732, 2733, 2734, 2804 and 3055 Point Peron Road, Peron

**Lot Area:**
Approximately 180ha

**LA Zoning:**
Parks and Recreation (Bush Forever Site 355); Ports Installation; Other Regional Road Reserve; Waterways Reserve

**MRS Zoning:**
Parks and Recreation (Bush Forever Site 355); Ports Installation; Other Regional Road Reserve; Waterways Reserve

**Attachments:**
Plan showing Reserve 48968

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**Purpose of Report**

To provide advice on Cr Stewart’s Alternate Motion, as follows:

“*That Council SUPPORTS the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that:*

1. *aligns with the City’s Community Strategic Aspirations for Environment and Tourism;*
2. *aligns with the Minister of Environment’s intent to convert Cape Peron Reserve (48968) into Class A, and vested for the purpose of “Conservation Park”, as stated in the Rockingham Lakes Regional Park Management Plan (Dept of Environment and Conservation 2010).*
3. *affirms ‘Parks and Recreation’ as the use for the remaining land on Cape Peron.*”
At its May 2018 meeting, Council resolved to defer consideration of Cr Stewart’s Alternate Motion to the June 2018 meeting of the Planning and Engineering Services Committee to enable the implications of a ‘Class A’ Reserve and the ‘Conservation Park’ Purpose over Cape Peron on existing and future landuse to be investigated.

The reasons for Cr Stewart's Alternate Motion is provided below:

“The State agreed to accept ‘Cape Peron as a whole’ to become an A Class Reserve in 1964, which meant the Reserve, Alfred Hines Children’s Camp and the Camp School. Then in 1968, the State sought and received approval from the Commonwealth for a container terminal (Port Installation) that involved sections of the original reserve. After the Water Corporation construction for water treatment and discharge facilities, it then meant that the use for Cape Peron was then ‘Reserve the Water Corporation Facility, the proposed Port Installation, the Alfred Hines Children’s Camp and the Education Department School’

Since then, there have been a number of plans, proposed projects and community based entities having made suggestions or/and been given leased term use of some sections of Cape Peron such as

*the railway and highway concepts to service the short lived container terminal idea;

*the Mangles Bay Marina (in Mangles Bay);

* the original 30 year leases granted to community groups and clubs (recreation, boating and ex-Service) which were periodically extended on short term conditions;

* Aboriginal heritage efforts; Battery Complex; City input and services provision, and much more.

Close to seven decades of concern, discussion, proposals, internal State government transfers of title responsibility of land (Transport, Recreation and Landcorp), opportunities missed for Cape Peron, which is in fact easily understood and identified as authorised use (the authorised use being the Reserve, the Water Corporation Facility, the Proposed Port Section, the Alfred Hines Children’s Camp and the Education Department’s Camp School).

The only challenge to the status quo that has evolved over the last seven decades is the official submission to amend the setup through the MRS Amendment process, nothing more. Now, with all encumbrances removed and the State’s stated intention for the Cape made, only some simple ‘stroke of pen’ decisions to be made by the State remain.

What I am seeking is that the City be proactive in providing the local residents’ voice regarding the outcomes to realise the original 1964 purpose for the Cape;

We need to give support for the creation of the Regional Lakes Plan’s aims and objectives. We need to SUPPORT the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that:

1. aligns with the City’s Community Strategic Aspirations for Environment and Tourism.

2. aligns with the Minister of Environment’s intent to convert Cape Peron Reserve (48968) into Class A, and vested for the purpose of “Conservation Park”, as stated in the Rockingham Lakes Regional Park Management Plan (Dept of Environment and Conservation 2010). S

3. aligns with ‘Parks and Recreation’ as the use for the remaining land on Cape Peron.

Future council/city operators need to be provided with clear and unencumbered means to input, discuss, progress, etc. its role in the management and sustainability of Cape Peron. They should be considered as an active partner regarding any opportunities that may be on offer. A Coastal Park at Cape Peron meets the City’s Strategic Community Plan 2015 – 2025 goal of a sustainable environment in which the local government and bushland reserves are well used and sustainably managed preserving them for future generations to enjoy.
Preserving Cape Peron and creating a world class protected coastal park is an imperative, not just for WA and the entire City of Rockingham’s Region, but also for people’s physical and mental health as well as for the economy.

This Minister Dawson, the Minister for the Environment, has stated the intention of converting Cape Peron Reserve 48968 into Class A, the same as Rottnest and Kings Park. All other land can be Parks and Recreation. Cape Peron’s purpose is a Conservation Park, as identified on page 14 of the RLRLMP 2010. All Government Departments, Federal, State and Local, are the elected representatives of the people and hence should a) acknowledge the people’s ownership and b) represent the people’s wishes.

What I am seeking with this Motion, is that the City of Rockingham be proactive in providing the local residents a voice regarding the outcomes to realise the original 1964 purpose for Cape Peron (please read page 15 of the Rockingham Lakes Regional Park Management Plan 2010 (RLRPMP).

Hopefully you all realise by now, with all the information that I have given you in emails, the following ~ that Rottnest Island is a Class A Reserve (Reserve 16713) and is governed by the Rottnest Island Authority Act, 1987, which establishes the Rottnest Island Authority as a statutory body to control and manage the Island, reporting to the Minister for Tourism, Paul Papalia.

Kings Park and Botanic Garden is also a Class A Reserve. This Management Plan has been prepared by the Botanic Gardens and Parks Authority (BGPA) with significant consultation from key stakeholders, including government and private organisations and the general community. A draft plan was originally prepared following a review of the Kings Park and Botanic Garden Management Plan, including community feedback received via a survey of stakeholders and a public workshop, which was followed by public submissions being sought from individuals, community groups and Government Organisations. I am trying to convince you all with point 2. That Council: AGAIN

SUPPORTS the LOBBYING of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that Aligns with the Minister of Environment’s intent to convert Cape Peron Reserve (48968) into Class A, and vested for the purpose of “Conservation Park”, as stated in the Rockingham Lakes Regional Park Management Plan (Dept of Environment and Conservation 2010).

Reason for Point 2 of my amended motion ~ The map on page 17 (electronic copy) of the Rockingham Lakes Regional Park Management Plan 2010. You will note the “green” area of Cape Peron is vested in the Conservation Commission, which is managed by the Minister for the Environment, Hon. Stephen Dawson MLC. This is the area the Minister says he supports being classified as class A, (in accordance with the Minister’s letter of 26 March 2018). ROTTNEST ISLAND FOR INSTANCE IS A CLASS “A” RESERVE.

Reason for Point 3 of my amended Notice of Motion ~ You will note the white area (page 17 also) north of Point Peron Road, which is the ‘Port Installation’ section, now 50 years old. On February 25th 1985, Cabinet requested that the Metropolitan Region Scheme be amended to ‘delete the Mangles Bay Port Installation Reserve as soon as possible.’ This is why we are in this position today 33 years later. The City should be involved with development and planning of the Cape Peron Plan in line with relevant legal requirements. The authority for council/city provision of time, finances, resources, etc. in tangible ways (that will realise the creation and sustainability for the Cape’s use in line with State planning agreements), need to be provided.

PLAN AREA 1 (in yellow on page 18) - Future Tenure Arrangements – Reserve Purpose – CONSERVATION PARK

Management Emphasis - The management emphasis is to provide for appropriate uses of the natural environment. Areas will be managed jointly for public use, conservation and enhancement of flora and fauna, and improvement of landscape qualities. Public use must be compatible with the assigned purpose of the relevant reserve. Visible evidence of management may be moderate to high. Management will encourage uses and develop facilities that promote conservation and education.”
Acceptable Uses and Facilities

Public access restricted to nature trails, boardwalks, observation platforms, walkways and cycle paths primarily for through access. Some facilities are acceptable in certain locations (Recreation Masterplan- Appendix A) Rehabilitation of vegetation and habitat protection will be undertaken. Education, interpretation and research uses are appropriate.

PLAN AREA 2 and 3 orange (page 18 RLRMP 2010) - Management Zone – Recreation; Management Agency – DEC; Reserve Purpose - CONSERVATION PARK; Vested Authority Owner – Conservation Commission

Management Emphasis - The prime emphasis of management will be to provide a variety of recreation opportunities. The type and scale of facilities provided will depend on the values of any given area, community demand for recreation and the appropriate management of the Park. Management involves minimising the impact of visitor activities through the sensitive placement and provision of access and facilities as well as ‘through the provision of information and interpretive material. Visible evidence of management may be high.’

Acceptable Uses and Facilities

Public use may be high in these areas. Predominantly passive recreation pursuits, allowing for Park service and picnic facility development. Commercial concessions are considered an appropriate within this management zone. Rehabilitation, landscaping and reticulation of areas may be necessary. Management for purposes other than conservation, recreation or visitor services. Private lease or freehold land. No public access. Access for managing agencies as required. This management zone represents an emphasis on conserving the area’s existing values.

In the period since the May 2018 Council meeting, the City has requested that the Department of Planning Heritage and Lands (DPHL) provide an interpretation of the Reserve Class and Purpose, as contained in the Alternate Motion, against the requirements of the Land Administration Act 1997.

Despite numerous requests for the information to be provided in sufficient time to enable the matter to be tabled before the June meeting of the Planning and Engineering Services Committee, it is yet to be received.

Implications to Consider

a. Consultation with the Community
Nil

b. Consultation with Government Agencies
Nil

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:
Aspiration A: Tourism Lifestyle

Strategic Objective: Rockingham Beach Foreshore Precinct: A world-class foreshore precinct capitalising on its unique location and aspect, delivering quality leisure tourism experience through contemporary design, best practice facilities and seamless linkage between beach, parkland and tourism-based commercial, retail and food and beverage outlets.

Coastal Facilities: A range of quality and contemporary leisure tourism facilities including a “major brand” hotel, marinas, boat ramps, jetties, boardwalks and foreshore parks that contribute to the City’s reputation as the premier metropolitan coastal tourism destination.

Aspiration C: Quality Leadership

Strategic Objective: Community engagement and advocacy: An engaged and informed community that participates in local decision making and can rely upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

Strategic Objective: Coastal and Bushland Reserves that are well used and sustainably managed preserving them for future generations to enjoy.

d. Policy
Nil
e. Financial
Nil
f. Legal and Statutory
Nil
g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.
Implications and comment will only be provided for the following assessed risks.
Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks
Nil

Comments

DPHL is responsible for administering the Land Administration Act 1997 which provides the statutory basis to the function and management of Crown Reserves. Until the advice is received from the DPHL, the City is not able to respond to the Alternate Motion and provide Council with advice on the implications of Reserve 48968 being ‘Class A’ with a ‘Conservation Park’ Purpose.

Although it is expected that the advice will be received in sufficient time to enable consideration at the July 2018 meeting of the Planning Services Committee, the City has no control over timing.

The City has confirmed, however, that Reserve 48968 comprises two parcels, as shown red in the plan below. The balance of Cape Peron is a mix of reserves and freehold parcels.

It is therefore recommended that consideration of the Alternate Motion be deferred pending advice from DPHL.
Voting Requirements

Simple Majority

Officer Recommendation

That consideration of the Alternate Motion be **DEFERRED** pending advice from the Department of Planning Heritage and Lands on the implications of a ‘Class A’ Reserve and the ‘Conservation Park’ Purpose over Cape Peron on existing and future land use.

Alternate Motion from Cr Stewart

That Council **SUPPORTS** the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that:

1. aligns with the City’s Community Strategic Aspirations for Environment and Tourism;
2. aligns with the Minister of Environment’s intent to convert Cape Peron Reserve (48968) into Class A, and vested for the purpose of “Conservation Park”, as stated in the Rockingham Lakes Regional Park Management Plan (Department of Environment and Conservation 2010).
3. affirms ‘Parks and Recreation’ as the use for the remaining land on Cape Peron.

Committee Recommendation

Cr Whitfield tabled an alternate motion proposed by Cr Stewart

**Moved Cr Whitfield, seconded Cr Hamblin:**

That Council **SUPPORTS** the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that aligns with the City’s Community Strategic Aspirations for Environment and Tourism.

Committee Voting – 5/0
Moved Cr Whitfield, seconded Cr Hamblin:

That Council **SUPPORTS** in principle the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that: aligns with the Minister of Environment's intent to convert Cape Peron Reserve (48968) into Class A, and vested for the purpose of “Conservation Park”, as stated in the Rockingham Lakes Regional Park Management Plan (Department of Environment and Conservation 2010)

Committee Voting – 2/3

(Cr Hamblin, Cr Sammels and Cr Elliott voted against)

**The Committee’s Reason for Varying the Officer’s Recommendation**

No reason was provided. To meet the requirements of regulation 11(da) of the Local Government (Administration) Regulations 1996.

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
### 16. Notices of Motion for Consideration at the Following Meeting

Nil

### 17. Urgent Business Approved by the Person Presiding or by Decision of the Committee

Nil

### 18. Matters Behind Closed Doors

Nil

### 19. Date and Time of Next Meeting

The next Planning and Engineering Services Committee Meeting will be held on **Monday 16 July 2018** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

### 20. Closure

There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4.42pm.